

March 24, 2009



TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

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1 COUNCIL PRESIDENT ANDREWS:

2 Good morning, everybody, and welcome to a meeting of the County Council. I want to  
3 note that Councilmember Trachtenberg is delayed this morning because of car trouble,  
4 but she'll be with us before too long, and other members of the Council will be joining us  
5 shortly, as well. I want to note that Selena Mendy Singleton is here today, representing  
6 Congressman Donna Edwards. She is the District Director for the congresswoman's  
7 office, and we thank her for attending. She's right there. And she's also here to help  
8 celebrate the proclamation, the presentation--the proclamation of the Paint Branch High  
9 School girls indoor track team that won the State 3A championship, and we'll have a  
10 proclamation for them very shortly. And--but we're going to begin first with an invocation  
11 from Captain Michael Rojas of the Salvation Army of Germantown. So please join me  
12 standing.

13  
14 MICHAEL ROJAS:

15 It's a privilege and an honor to be able to give the invocation this morning. I'll ask  
16 everyone to bow your heads with me, please, as we go before the Lord in prayer.  
17 Gracious Heavenly Father, thank you for the beautiful day you've blessed us with today--a  
18 day for us to gather together and do the work you've called us to do. I thank you for the  
19 men and the women who have dedicated their time to leading the people of Montgomery  
20 County. As a representative of the community they govern, I lift them up to you and ask a  
21 special blessing on them and on their families. I pray, Lord, that your holy spirit will move  
22 through the County Council and guide our leaders in the decisions they will make today. I  
23 pray that their hearts will be open to the leading of your spirit so that your will will be done  
24 in our community. Lord, we lift this prayer up to you because we know you are a god who  
25 answers prayer. We know you have a plan for each of our lives and for the Montgomery  
26 County community as a whole, so we pray and submit to your leading this morning. With  
27 this prayer, we love you, we honor you, and we praise you. Amen.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Captain. Now we're going to have that presentation I talked about, and  
31 Councilmember Elrich is going to do the honors. Councilmember Elrich.

32  
33 COUNCILMEMBER ELRICH:

34 Good morning. This presentation is for the Paint Branch girls indoor track team, and they  
35 won the 3A State Championship on Tuesday night, and I'm really impressed by their  
36 accomplishment. One thing that I did not realize was that there are 5 members of the track  
37 team competing against other teams that have between 15 and 20 members, which  
38 means they had to run all the races where other teams had people running specialty  
39 races, which makes the accomplishment all the more impressive, because you usually get  
40 tired from running a race. And, you know, athletes don't often compete in multiple events,  
41 particularly in a single night, because you just get worn out and so I'm really impressed by

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1 the fact that you could do this with such a small team, and I understand from the principal  
2 this is your first indoor-- UNKNOWN SPEAKER:  
3 First in school history.

4  
5 COUNCILMEMBER ELRICH:

6 First indoor--first track championship in school history. So that's very impressive. So I'm  
7 going to read the proclamation, and it says, the County Council of Montgomery County,  
8 Maryland, whereas, championship seasons are the result of hard work, focus, and  
9 determination, qualities that the Paint Branch girls indoor track team demonstrated in  
10 abundance in its run to winning the Maryland 3A West Region and the 3A State  
11 Championships, and whereas the Panthers continued in their long tradition, defeating  
12 second-place Hereford in the state meet 54-51 to claim the 17th team state championship  
13 in Paint Branch history, and whereas many team members contributed to the State  
14 championship, including Vanessa Jules, who won the high jump, and Arielle Statham, who  
15 won the 55 meters and anchored the Panthers' state championship 4 x 200- and 4 x 400-  
16 meter relays, and whereas throughout the season the team demonstrated the  
17 commitment to always do its best under the outstanding leadership of coaches Lynette  
18 Hopkins and Dessalyn Dillard, now therefore be it resolved that the County Council of  
19 Montgomery County, Maryland, hereby congratulates and salutes the Paint Branch indoor  
20 track team. Here are your winners. The 5 members of the team, the people that went out  
21 and actually did the work--the young women who went out and actually did the work--are  
22 Arielle Statham, Vanessa Jules, Korine Duval, Jasmine Jones, and Medina Diao. And in  
23 case you're wondering, that's the 5 on the end. You look like you could be a student, but  
24 you're one of the coaches. Another impressive thing about this event is that going into the  
25 last two events, they had 34 points. They were 15 points behind the first-place team, and  
26 you would think that was an insurmountable obstacle, but they managed to pull off the last  
27 two events and wind up in first place, so that even makes it even more impressive. So,  
28 congratulations, and the proclamation. Coaches, players, the mike?

29  
30 JEANETTE DIXON:

31 I'll say something. Go ahead. UNKNOWN SPEAKER:  
32 You can both say something.

33  
34 COUNCILMEMBER ELRICH:

35 Yeah, we have time.

36  
37 JEANETTE DIXON:

38 I just want to say how proud we all are at Paint Branch of our Lady Panthers. They are not  
39 only outstanding athletes, but they are also wonderful young women and just great role  
40 models for our entire school. So we are very, very proud of all of them, and yesterday,  
41 Arielle signed a commitment to the University of Maryland, a full 4-year scholarship, so



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1 we're very, very proud of her, as well as we are of all of these young women. And I want  
2 to thank our coaches, Lynette and Dessalyn, and our outstanding Athletic Director, Jeffrey  
3 Sullivan, as well. Thank you.

4  
5 COUNCILMEMBER ELRICH:  
6 You want to say something?

7  
8 KORINE DUVAL:  
9 Hi. I would like to say that I really love my team. I think you guys are amazing--spending  
10 all these years with you--and I will miss my coaches, and hopefully outdoor will be even  
11 better. Bye.

12  
13 NEIL GREENBERGER:  
14 And we are going to try and get a picture of everybody. Let me move this out of the way. If  
15 I can get everybody closer together. Make two rows. You can move up just a little. Step up  
16 toward the table. OK, and--somebody have the proclamation? Why don't you hold that up?  
17 OK. I'm going to need to be able to see everybody, OK? So find a good spot. And not only  
18 am I going to take pictures, but we have some other people who are going to take  
19 pictures. I'm going to take a few, so smile for each of them. Thank you very much.  
20 Congratulations.

21  
22 COUNCIL PRESIDENT ANDREWS:  
23 OK. Congratulations to the team. Thank you, Councilmember Elrich, and congratulations  
24 to the team. Best wishes for the rest of the year and future endeavors. Our next  
25 presentation will be a proclamation in recognition of Women's History Month by  
26 Councilmembers Ervin and Floreen.

27  
28 COUNCILMEMBER FLOREEN:  
29 If we could ask Reggie Oldak, Chair of the Montgomery County Commission for Women,  
30 Judith Vaughan-Prather, Executive Director of the Montgomery County Commission for  
31 Women, Dr. Carole Rayburn from--President of Montgomery County NOW, Leah  
32 Goldfine, from Montgomery County Commission for Women, Elma Rambo, also from the  
33 Commission for Women, to join us. A few more. Come on up. It's--these are the adult  
34 Lady Panthers, right? OK? We have everybody? Would you like to introduce our other--  
35 other folks who are joining us? Come on down. UNKNOWN SPEAKERS:  
36 The Gray Panthers.

37  
38 COUNCILMEMBER FLOREEN:  
39 Gray Panthers. Not quite.

40  
41 CAROLE RAYBURN:

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1 Hi. I'm Carole Rayburn, the president of Montgomery County NOW, and we're fortunate  
2 enough to have two of our past presidents with us--the immediate past president,  
3 Jeannette Feldner, and our past president before that, who is Holly Joseph. We are very  
4 grateful for the Council and all of its hard work. We know that you do grand things for  
5 Montgomery County, and likewise, we do our best for the women--and also we have some  
6 men, life members, of Montgomery County. So we're signing you up. Just get going and  
7 join us.

8  
9 COUNCILMEMBER FLOREEN:

10 Always on message. Very good. Very good, very good. So Valerie and I are very pleased  
11 to be here to present this proclamation. As you know, before the 1970s, women's history  
12 was rarely the subject of serious study, but over the years, the field really went through a  
13 metamorphosis. Today, almost every college offers women's history courses, and most  
14 major graduate programs offer Master's and Doctoral degrees in the field. The  
15 Montgomery County Commission for Women has researched and archived biographical  
16 information on 30 women of significance in Montgomery County. In fact, there's a beautiful  
17 quilt floating around somewhere that documents that, I believe at their offices. In their  
18 archives, you find women from all aspects of history, including civil rights, government,  
19 various social movements, athletics, and a lot more, and I encourage you all to take a look  
20 at these fascinating biographies. Valerie, would you like to make a few comments?

21  
22 COUNCILMEMBER ERVIN:

23 Just real quickly--I'm sorry that the lady athletes left because I wanted to sort of  
24 congratulate them, too, from the women in my generation and the generation prior to mine  
25 who fought hard for Title IX, and without Title IX--I was an athlete in high school, and I  
26 remember those days, and so now we can have young women who are athletes who have  
27 the same access as all the men, and so we're really excited on their behalf. And also I'm  
28 really happy to be here with all the women who represent so much history and past and  
29 present and future.

30  
31 COUNCILMEMBER FLOREEN:

32 You go, ladies. And with that, we have a proclamation which we're going to read, and then  
33 you'll all get a chance to make some comments. So, Valerie, you want to head off here?

34  
35 COUNCILMEMBER ERVIN:

36 Sure. Whereas during Women's History Month, we celebrate the courage, foresight, and  
37 creativity of women of every race, class, and ethnic background who have contributed to  
38 our county and our country, and...

39  
40 COUNCILMEMBER FLOREEN:

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1 Whereas Montgomery County women, including Rachel Carson, mother of the modern  
2 environmental movement; Clara Barton, founder of the American Red Cross; and Emily  
3 Edmondson, a freed slave and abolitionist, figure importantly in our local and national  
4 history, and...

5  
6 COUNCILMEMBER ERVIN:

7 Whereas today women are continuing this legacy of leadership as entrepreneurs, doctors,  
8 teachers, scientists, lawyers, artists, and public officials, they are also providing guidance  
9 and care to their loved ones, strengthening America's families and communities, and...

10  
11 COUNCILMEMBER FLOREEN:

12 Whereas this month we honor the extraordinary women of our past and recognize the  
13 countless women who are demonstrating leadership in every aspect of life...

14  
15 COUNCILMEMBER ERVIN:

16 And whereas the National Women's History Month resolution was passed in 1987 by the  
17 United States Senate and House of Representatives and has been reaffirmed every year  
18 since then...

19  
20 COUNCILMEMBER FLOREEN:

21 And now therefore be it resolved that the County Council of Montgomery County,  
22 Maryland, recognizes March 2009 as Women's History Month in Montgomery County and  
23 calls upon government officials, business and industry leaders, educators, and all people  
24 of Montgomery County to observe this month with appropriate programs and activities to  
25 honor the enormous contributions that women have made and continue to make.

26 Presented this 24th day of March in the year 2009, signed by our fearless Council  
27 President, Phil Andrews. Thank you very much, ladies. Would anyone like to make a few  
28 comments? Reggie? How about Reggie first, and then we'll...

29  
30 REGGIE OLDAK:

31 OK. I would like to say thank you so much. We are delighted to be part of this event,  
32 especially receiving it from two Councilwomen who make us all so proud and have done  
33 such wonderful things for women in this county. And I would like to say also I am very  
34 proud to be the president of the Montgomery County Commission for Women, this year  
35 and last year, and I would like to say a special thanks to Judy Vaughan-Prather and her  
36 staff, who have really made Montgomery--helped make--made Montgomery County a  
37 model for other commissions around the country and helped make Montgomery County a  
38 leader in women's rights. Thank you.

39  
40 COUNCILMEMBER FLOREEN:

41 There you go. Thank you very much. Any--any other comments? Carole?

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CAROLE RAYBURN:

Sure. I just want to say one thing. Since I've been involved in women's issues since I have become an adult, and it's great that we will now learn her story. We've learned history, and how we're going to be taught "herstory," and I'm really happy about that. Thank you, Council.

COUNCILMEMBER FLOREEN:

There you go. There you go. One more.

CAROLE RAYBURN:

As a longtime feminist, I am very pleased to see that there's more energy toward getting renewal of the ERA going today, and we sure do depend on help from Montgomery County.

COUNCILMEMBER FLOREEN:

OK. And with that, shall we have the group photo--required by law? Maybe we should squeeze together. Here. There we go. You hold it.

PHOTOGRAPHER:

OK. Make sure I can see each of you. We're going to take a few, so you're going to have to smile several times. Great. Keep smiling. A couple more shots. UNKNOWN SPEAKER: Thank you.

COUNCILMEMBER FLOREEN:

Absolutely. Yeah. Thanks for coming. Thank you. Thank you so much.

COUNCIL PRESIDENT ANDREWS:

Thank you all. Thank you, Councilmembers Ervin and Floreen. We're now going to go on to general business and announcements of agenda and calendar changes. Miss Lauer.

LINDA LAUER:

We have two public hearings the Council is announcing today. A public hearing is scheduled for April 14 at 1:30 on amendments to the County Government Collective Bargaining Agreements. Also, on April 14, 15, and 16 at 7:00 and April 15 at 1:30, the public hearings--we have received some amendments from the County Executive to the CIP. These are additional amendments just received, and so we will be holding the public hearing at the same time as the operating budget for those. Today's agenda, there are a couple of items that are changed on the Consent Calendar. D has been deferred. That's the supplemental appropriation for Walter Johnson High School. Legislative session--we have additional sponsors for Bill 11-09 when that's introduced. Joining Council President



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1 Andrews will be Council Vice President Berliner and Councilmembers Trachtenberg and  
2 Floreen. Bill 38-08, planned for action today, is deferred. That's the Fire and Rescue  
3 Commission abolition. And then this afternoon's CIP worksession, we're deferring the  
4 Judicial Center Annex. That will come back next week. And we did receive two petitions,  
5 one from residents supporting the operations and renovations of the Gaithersburg Library  
6 and another one supporting full funding for the library's budget.

7  
8 COUNCIL PRESIDENT ANDREWS:  
9 OK. Thank you, Miss Lauer.

10  
11 COUNCILMEMBER KNAPP:  
12 Mr. President.

13  
14 COUNCIL PRESIDENT ANDREWS:  
15 Yes, Mr. Knapp--Councilmember Knapp.

16  
17 COUNCILMEMBER KNAPP:  
18 Thank you, Mr. President. Just a question. I haven't seen the CIP amendments that have  
19 been proposed, but if they're of any significance, are we looking to add some additional  
20 speaker time, just because we don't typically do CIP and operating budget stuff at the  
21 same time? And they may not be a big deal, at which point, they may only want a couple  
22 of slots, but knowing some of the things that are out there pending, we may just want to  
23 consider that.

24  
25 LINDA LAUER:  
26 So noted. Thanks.

27  
28 COUNCILMEMBER KNAPP:  
29 Thanks.

30  
31 COUNCIL PRESIDENT ANDREWS:  
32 Yes, and I'll make sure that there's some additional spots, if necessary, for that. OK.  
33 Thank you, Miss Lauer. Our next item is action on approval of minutes from March 9 and  
34 10 of 2009. Is there a motion to approve those minutes?

35  
36 COUNCIL VICE PRESIDENT BERLINER:  
37 So moved.

38  
39 COUNCILMEMBER KNAPP:  
40 Second.



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1 COUNCIL PRESIDENT ANDREWS:

2 Moved by Council Vice President Berliner and seconded by Councilmember Knapp. Any  
3 discussion? Don't see it. All in favor of approval of the minutes from March 9 and 10,  
4 please raise your hand. That's Councilmember Elrich, Councilmember Floreen, myself,  
5 Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, and  
6 Councilmember Leventhal. That would be 7-0. All right. Next is the Consent Calendar. Is  
7 there a motion for approval?

8  
9 COUNCILMEMBER FLOREEN:

10 So moved.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Moved by Councilmember Floreen and seconded by...

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 Councilmember Berliner.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Council Vice President Berliner. OK. And it's noted Item D has been deferred. Are there  
20 any comments about any of the items on the Consent Calendar? Councilmember Floreen.

21  
22 COUNCILMEMBER FLOREEN:

23 I'll just note, Item B is action on the Ten-Year Comprehensive Solid Waste Management  
24 Program. We had a good conversation on that--I guess it was last week--and I appreciate  
25 everybody's engagement. Everyone get out there and recycle. That's the message that  
26 will help us in achieving many of our solid waste goals. It will protect the environment, and  
27 it will help us achieve some of our energy efficiency objectives, as well. I'll note I was in a  
28 building a couple of weeks ago in San Francisco, and they had used recycled jeans as  
29 part of their insulation. So you never know. There's money to be made in those recycled  
30 goods--clearly.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 There is, and we are--

34  
35 COUNCILMEMBER FLOREEN:

36 Although not in this plan.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 No. Well, it would cost us more if we didn't.

40  
41 COUNCILMEMBER FLOREEN:

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1 There you go.

2  
3 COUNCIL PRESIDENT ANDREWS:

4 That's the bottom line. If we didn't recycle, it would cost more to dispose of it, and the  
5 county has become more and more aggressive in recycling over the years, and our  
6 recycling rate has been getting closer to our 50% goal. So we're making progress. Not  
7 quite there yet, but we're moving in the right direction, and thank you for the Committee's  
8 continued attention to the important issues involving solid waste, including recycling. All  
9 right. Now, with that, if there are no other comments--I don't see any--then we'll have a  
10 vote on the Consent Calendar. All those in favor, please raise your hand. That's  
11 Councilmember Elrich, Councilmember Trachtenberg, Councilmember Floreen, myself,  
12 Council Vice President Berliner, Councilmember Knapp, Councilmember Ervin, I think--  
13 right? All right. And Councilmember Leventhal. That would be 8-0. Thank you all. Now  
14 we'll move into legislative session, day number 12, and we have introduction of several  
15 bills. First is Bill 9-09, Schools and Camps - Grants for Teaching Science and  
16 Mathematics, sponsored by Councilmember Knapp. Public hearing scheduled for April 21  
17 at 1:30, and Councilmember Knapp has a comment, I believe.

18  
19 COUNCILMEMBER KNAPP:

20 Thank you, Mr. President. Just a quick note. Mr. Leventhal has been asked to be added  
21 as a cosponsor, as well.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 OK. So noted.

25  
26 COUNCILMEMBER KNAPP:

27 I thank him for his support. When I introduced a scholarship bill 3 weeks ago, I indicated  
28 that would be the first of a series of things I would be introducing as it related to trying to  
29 increase awareness for science, technology education and mathematics education of our  
30 engineering--science, technology, engineering, mathematics education of our students, in  
31 an effort to try and increase our workforce readiness. This is the second bill I am  
32 introducing. In a nutshell, this bill would provide matching grants to regional one- to two-  
33 week summer institutes to update the skills and state-of-the-art knowledge of practicing  
34 teachers each summer. The material covered should allow teachers to keep current with  
35 recent developments in science, math, and technology and allow for the exchange of best  
36 teaching practices. It would provide grants to research universities in the County, which  
37 may include universities housed at Maryland - Shady Grove campus, to offer current  
38 middle- and high-school science, math, and technology teachers who may or may not  
39 have undergraduate math, science, or engineering degrees a two-year part-time Master's  
40 degree program that focuses on rigorous science and math content and pedagogy and  
41 provides incentives to train AP or IB instructors to teach advanced courses in science and



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1 mathematics--namely, an incentive payment of \$1,500 per teacher per year. Teachers  
2 would also receive a \$100 incentive for each student who passed an AP or IB program in  
3 math or science. And this is really--it's just an attempt to make sure that as we're sitting  
4 here looking at one of the worst economic crises we've faced in the last 60 years, that we  
5 are focused on our workforce so that as things begin to improve, we in Montgomery  
6 County continue to have the highest and best educated workforce in the state so that we  
7 can continue to be successful. Thank you.

8  
9 COUNCIL PRESIDENT ANDREWS:

10 Thank you, Councilmember Knapp. And Councilmember Floreen has her light on, as well.

11  
12 COUNCILMEMBER FLOREEN:

13 Yes. Thank you. I'd like to be added as a cosponsor.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 So noted.

17  
18 COUNCILMEMBER FLOREEN:

19 I don't know where we have the money at this moment in time, but putting that to one side,  
20 this is the area in which we need to lead and send a message to our residents, that  
21 science and math is the future of Montgomery County, and we're going to do all our best  
22 to support these initiatives. So, thank you.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 OK. Thank you. Yes, Councilmember Knapp.

26  
27 COUNCILMEMBER KNAPP:

28 Thank you. I appreciate the cosponsorship, and my staff is actually working very  
29 significantly to look at the stimulus dollars. There are many millions of stimulus funds that  
30 have not yet been allocated, and many of the competitive elements of those are still being  
31 worked out by departments and agencies, and there are a number in which these types of  
32 programs would fit into, and so we're working both with MCPS, with county government,  
33 and with some private sector employers to see if there are some ways for us to leverage  
34 those dollars. And so we're looking at that as well as other opportunities.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you, Councilmember Knapp. And without objection, the bill is introduced. Public  
38 hearing scheduled for April 21 at 1:30. The next bill for introduction is Expedited Bill 10-09,  
39 Personnel Retirement Incentive Program, sponsored by the Council President at the  
40 request of the County Executive, and we have a public hearing scheduled for this bill on  
41 April 14 at 1:30. And there are a number of provisions in this bill. I'll mention that it is a bill

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1 that I think deserves a lot of careful attention to. We have a retirement incentive program  
2 that was put in place for the current year, and our Office of Legislative Oversight has been  
3 doing some research on it and its long tail, in terms of costs, and while there is a short-  
4 term savings, the long-term costs substantially exceed the short-term savings, and it is  
5 something that we need to be fully aware of in considering the programs. One of the  
6 issues that is important to focus on with retirement incentive programs is whether the  
7 positions that people leave as a result of the incentives are then filled, and if most of the  
8 positions are filled, then the savings of any long term are lost, and the costs exceed the  
9 savings. So part of the success of retirement incentive programs is not filling most of the  
10 positions that people leave when they take the buyouts, and that's something I think we'll  
11 want to pay a lot of attention to as we consider this version of this year's retirement  
12 incentive program and examine the experience that we've had with the current one and  
13 past ones. So I just bring that to my colleagues' attention. That's an important issue  
14 related to that because we want to be careful about adding to our long-term obligations  
15 with--even with short-term savings. I don't see--Councilmember Knapp, do you have a  
16 comment on this? Yes. Councilmember Knapp.

17  
18 COUNCILMEMBER KNAPP:

19 Thank you, Mr. President. Just a quick question for staff. I saw a matrix yesterday that  
20 showed a series of provisions that had been negotiated--I don't know if they've yet been  
21 ratified--with the McGeo organization, and I was just curious if this is in response to that  
22 negotiation or if this is a separate piece of legislation just on the retirement incentive  
23 program as a standalone program.

24  
25 ROBERT DRUMMER:

26 I believe this was negotiated with McGeo.

27  
28 COUNCILMEMBER KNAPP:

29 OK. So this is a part of that contract renegotiation.

30  
31 ROBERT DRUMMER:

32 Yes.

33  
34 COUNCILMEMBER KNAPP:

35 So we've started that. Now, has that been ratified yet, do we know?

36  
37 ROBERT DRUMMER:

38 Ratified--you mean by the union?

39  
40 COUNCILMEMBER KNAPP:

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1 Right. Well, I'm just curious. We have this legislation, but if the negotiated party hasn't yet  
2 ratified their agreement, I think that's something we ought to look at as we start to pursue  
3 this process, as well. I'm just curious as to where we stand as it relates from the Executive  
4 branch's side for that negotiated settlement.

5  
6 ROBERT DRUMMER:

7 I don't know the answer to that.

8  
9 COUNCILMEMBER KNAPP:

10 If we could find that out, that'd be helpful.

11  
12 ROBERT DRUMMER:

13 I will.

14  
15 COUNCILMEMBER KNAPP:

16 OK. Thank you.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Very good. We will find that out. Any other comments on this bill? All right. Then without  
20 objection, the bill is introduced, and a public hearing is scheduled for April 14 at 1:30. Our  
21 next bill for introduction is Bill 11-09, and this is the Fire and Rescue Commission  
22 Compensation, sponsored by myself, Vice President Berliner, and Councilmembers  
23 Trachtenberg and Floreen. A public hearing is scheduled for April 21, 2009, at 1:30. This  
24 is a bill that would phase out the stipends for the Fire and Rescue Commissioners over a  
25 two-year period, and so there would be a savings that would gradually grow over the two  
26 years, and it would eliminate the \$1,500 lump-sum expenses that are provided to  
27 commissioners, as well, and replace it with traditional mileage reimbursement, which we  
28 do for all commissions, and reimbursement for reasonable dependent care while meetings  
29 are occurring. Councilmember Leventhal has been a strong advocate for eliminating the  
30 costs associated with the commission and introduced a bill--and I'm sure he'll comment on  
31 it, and I see his light on--that would abolish the commission in addition, and eliminate the  
32 stipends as part of that. I believe that we should keep the Fire and Rescue Commission  
33 and its authority but eliminate the stipends as soon as we can, under the restrictions that  
34 are in state law about changing the stipends during members' terms, which we can't do.  
35 But we can eliminate the stipends as members' terms come up, and we have two new  
36 members who will begin July 31, 3, I believe, next July 31, and the other two the following  
37 July 31. So that's what this bill would do. I thank my cosponsors. It's scheduled for public  
38 hearing April 21, and we have a couple comments, at least, on this bill or issue, and first is  
39 Councilmember Leventhal.

40  
41 COUNCILMEMBER LEVENTHAL:

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1 In 2004, the Fire and Rescue Service was substantially reorganized, and one of the  
2 purposes of that was to bring Montgomery County into conformance with other  
3 jurisdictions in the region which have a Fire Chief who is, in fact, a department head who  
4 is able to manage his department. We don't have that today in Montgomery County.  
5 According to the packet, our fire chief is not really a department director comparable to  
6 other department directors. According to the packet on circle 50--this is on the bill that was  
7 deferred, my bill, Bill 38-08, which perhaps we'll see come before this Council, perhaps we  
8 won't. It's been deferred. The Commission's veto power adds a level that other County  
9 department directors do not have. This is especially evident when the Fire Chief issues a  
10 Fire Chief's general order, which is subject to the review and approval of the Fire and  
11 Rescue Commission. In other executive departments, a legally based director's order  
12 generally stands without further review by an independent advisory group. So let's just be  
13 clear. The Fire Chief is not a department director with the same authority that other  
14 department directors have, even though the intent of the legislation 5 years ago was, in  
15 fact, to create a department director. Now, in 2004, the Committee for the Evaluation and  
16 Review of Boards recommended that the stipends for members of the Fire and Rescue  
17 Commission be substantially reduced. That was in 2004. In 2008, the County Executive  
18 submitted a budget proposal to eliminate stipends for members of the Fire and Rescue  
19 Commission because their duties are significantly less than prior to the enactment of the  
20 2004 legislation, and yet members of the Commission are still being paid approximately  
21 \$12,000 a year, \$1,000 a meeting. Some of the meetings last a half an hour. So 5 years  
22 ago, the CERB report recommended that these stipends be rolled back. One year ago,  
23 the County Executive recommended that these stipends be eliminated. We still haven't  
24 eliminated them, and under the bill that's being introduced today, we still won't eliminate  
25 them for another two years. That's a total of 7 years just to eliminate wasteful stipends  
26 with no change whatsoever in the power and authority of this Commission. I appreciate  
27 my friend and colleague the Council President--his statement when he took office as  
28 Council President was that hard times require hard choices. We don't seem to be able to  
29 make any. It's too hard. We're not going to change the authority of this Commission. We're  
30 not going to eliminate the stipends to commissioners for at least another two years. It's too  
31 hard. Somebody might complain. It's just too hard. I didn't run for the County Council  
32 because I thought the job would be easy. It certainly wasn't easy being a candidate for this  
33 office, and it hasn't been easy serving on this body, but it does seem to me that the status  
34 quo tends to win because change is too hard--even when we're wasting the taxpayers'  
35 money, even when we're wasting \$1,000 per Commissioner per meeting, we can't end it.  
36 Now, we could very easily stop these stipends right now. Even if we maintain the  
37 Commission, our staff has explained to us how we could eliminate the Commission--  
38 excuse me. Even if we maintain the Commission, our staff has explained to us how we  
39 could eliminate these stipends right now with a minor change to the authority of the  
40 Commission, which it isn't even using. The quasi-judicial powers of this Commission, it  
41 hasn't used in years, and if that were eliminated, the stipends could go away right now.



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1 But we're divided, 4-4. Council President has 4 members on his bill. I have 4 members on  
2 my bill. So here's what's going to happen--nothing. Nothing. It's too hard. It's too hard. I'll  
3 be interested to see how we can get through this budget. We don't seem to be able to  
4 make hard choices in hard times. This bill is a deferral of a hard choice for at least two  
5 years, and this bill doesn't have the votes to pass. So unless we can come up with a  
6 compromise which maintains some form of a Fire and Rescue Advisory Board or a Fire  
7 and Rescue Commission, in some form, and eliminate the stipends right now, we'll do  
8 what? Nothing. Nothing. No hard choice. Keep wasting money. Don't make any change.  
9 Status quo wins. Do we really believe the County government, every single agency in  
10 county government, is just perfect, just exactly right? Not one thing in County government  
11 needs to be changed? I know the Council President feels a great sense of urgency,  
12 having received a report from the Inspector General that some of our police officers  
13 injured in the line of duty ought not be getting disability retirement payments. That's a  
14 matter of great urgency, according to The Washington Post. The Washington Post thinks  
15 that's about the greatest crisis facing Western civilization since World War II. We shouldn't  
16 tie our shoes till we address that. We shouldn't eat lunch until we address that. I wish the  
17 Executive Branch would address it. I wish the negotiations on the disability retirement  
18 issue had been concluded. I'm eager to see reform of that. I think it does need to be  
19 reformed, and I think these wasteful stipends need to be reformed, and I think the powers  
20 and duties of this extraneous Commission need to be reformed, but I'm pessimistic. It  
21 seems to me it's just too hard. We don't seem to be able to make changes in County  
22 government, and I'll be interested to see how we get through this budget.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Thank you, Councilmember Leventhal. I was--I was starting to think that we'd finish way  
26 ahead of our 10:30 start time for the Board of Health, but it looks like we'll fill up the time.  
27 The--I would note a couple things. One, this bill would eliminate the stipends and phase  
28 them out completely within two years, and that's a substantial change. It's not reducing  
29 them. It would eliminate them all within two years, and again, eliminate them in  
30 accordance with what we're restricted to doing if we keep the powers of the Commission.  
31 36-03, which is a bill number that is emblazoned on my mind because there were so many  
32 meetings on it and it was landmark legislation, specifically as adopted retained the power  
33 of the Fire and Rescue Commission, and that's one of the reasons that it received  
34 unanimous support on the Council when it was adopted in 2004. In terms of the powers of  
35 the Commission, I believe--and we had testimony to this effect, or at least comment, from  
36 the chair, Mr. Maloney--that one of the reasons that the Commission has not, he  
37 surmised, had to exercise the quasi-judicial power much in recent years is in part because  
38 there--it serves as a deterrent, and it is there as a vehicle. And we couldn't, according to  
39 our staff, just eliminate that and then eliminate the stipends--that the legislative authority,  
40 as well, over the policy would have to be eliminated, too, and I don't think that would be a  
41 good idea. So I disagree that it's a good idea to eliminate the powers of the Commission,

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1 but I do agree with Mr. Leventhal that the stipends should be eliminated, and this is how  
2 we can do it and retain the Commission. I think it's premature to say how the vote will  
3 come out. I'm hopeful we'll get a majority for the bill, but we'll see, and in the meantime,  
4 we have a couple more comments from Councilmembers. I'll go next to Councilmember  
5 Knapp.

6  
7 COUNCILMEMBER KNAPP:

8 Thank you, Mr. President. As I was looking at the packet over the weekend, I saw this  
9 introduction, and I'll be honest that it troubled me. I appreciate the remarks of  
10 Councilmember Leventhal, but the reason I actually signed on to his bill was we're looking  
11 at the budget issues we're facing this year, and knowing the conversation that the Council  
12 had had 4 years ago as related to boards and commissions, it's not an easy conversation.  
13 There are lots of groups who participate. There are lots of groups who feel that their  
14 participation is warranted and we actually benefit a lot as a county, so it's not a  
15 straightforward conversation for us to have. But recognizing the difficult nature of it, I  
16 thought that this notion on the Fire and Rescue Commission was a good step in that  
17 direction, and I understand that we may actually see more recommendations in the  
18 coming months as it relates to the other boards and commissions that are actually fairly  
19 costly to our county. We have a legislative process. We had a bill before the Public Safety  
20 Committee, which was Mr. Leventhal's bill, which typically if people feel as though there  
21 are parts of it that they're comfortable with and parts that they're not, modify that and  
22 amend that through the legislative process. And that didn't appear to happen. I  
23 understand, as it came out of Committee, that Mr. Leventhal's bill was just disapproved,  
24 and then to see this bill followed up the week after the other was disapproved just struck  
25 me as odd and somewhat divisive. If we are actually trying to seek a compromise, as has  
26 been suggested, it seems to me that the vehicle existed to do that. If we're actually trying  
27 to just make a point, then it seemed to have this other bill introduced was done to do that.  
28 And I guess I'm struggling as to see, in a difficult budget year, why we wouldn't have  
29 worked with the vehicle that existed and amended appropriately to try and get to the  
30 outcome that the Council President and his cosponsors have indicated they'd like to get  
31 to, as opposed to what appears to me to be making more of a statement. And I just think  
32 that's, given what we're going to be dealing with over the course of the next couple  
33 months, seems to be exactly the wrong direction for us to be going.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 OK. Thank you for your comments. Council Vice President Berliner, I think, was next.

37  
38 COUNCIL VICE PRESIDENT BERLINER:

39 Who is this guy? Let me ask staff to clarify, if I could. Mr. Faden, Councilmember  
40 Leventhal stated in his remarks that we could have eliminated the stipend by eliminating  
41 one aspect of the Commission's duties. I heard the Council President and Chair of the



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1 Committee, I believe, take issue with that observation, and I'd like some clarification with--  
2 from you with respect to that because I, too, was operating under the assumption that we  
3 could not achieve the immediate elimination of the stipends in the manner in which was  
4 suggested by my colleague, Councilmember Leventhal.

5  
6 MICHAEL FADEN:

7 Mr. Berliner, the legal conclusion we arrived at--and it's not 100% clear--is that it would  
8 take eliminating both the Commission's quasi-judicial and quasi-legislative authority for  
9 you to be able to immediately eliminate the stipends.

10  
11 COUNCIL VICE PRESIDENT BERLINER:

12 That was my understanding, as well, and the County Executive's position as reflected by  
13 our Fire Chief was that this function--these functions were still important and did not get in  
14 his way of performing his duties, so it was on that basis that, I believe, the majority of the  
15 committee felt that we should eliminate the stipends as soon as possible, but we should  
16 not eliminate these functions because they seem to provide for a balance that was, in the  
17 words of the Acting Fire Chief, still very much appropriate. So it was on that basis that I  
18 supported the effort of retaining the functions and eliminating the stipends, which I  
19 continue to believe is an appropriate response. But I also requested--and I am looking  
20 forward to hearing--that much as we have seen in our federal conversations with respect  
21 to AIG executives, that we have voluntarily--we have requested that our Commissioners  
22 turn down the stipends. There was agreement among those who were testifying that this  
23 was reasonable. Not all members of the Commission, of course, were present at that time.  
24 But I do look forward to hearing from the representatives of this Commission as to which  
25 of the members would voluntarily decline the stipend such that we could achieve the  
26 savings immediately, notwithstanding our inability to legislate immediately. So I would  
27 appreciate hearing back from them with respect to that.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Thank you, Council Vice President. Councilmember Trachtenberg.

31  
32 COUNCILMEMBER TRACHTENBERG:

33 Thank you, President Andrews. Well, this is a conversation that, believe it or not, I'm glad  
34 we're having. I know we'll continue it. A lot of this has been bubbling up from the surface  
35 for the last few weeks, and it's clearly something we have to make a decision on. But--and  
36 I'm pretty much where Council Vice President Berliner is. I think he very eloquently  
37 described the rationale behind the legislation that's being introduced this morning. But I  
38 actually just want to make a very brief set of remarks about the issue of addressing hard  
39 choices, and I think that everyone up on this dais and in this room knows that over the  
40 course of the next few weeks, if not the next few months, next few years, there are a great  
41 deal of hard choices that need to be made by this body. And the reality is that some of

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1 them will be made and some of them might not be. And what I would like to state quite  
2 publicly is that I think those kinds of challenging conversations that result in hard  
3 decisionmaking will not--and again, these are hard choices required by hard times.  
4 They're not going to be made if we're going to have conversations that are publicly  
5 contentious and, in my mind, uncollegial. And I have every confidence that this body will  
6 be able to make most of the choices that they need to make, if not all, and that we will do  
7 that in an informed and productive and civilized way. But I just want to state very clearly--  
8 and it's not a warning--it's just a piece of counsel that I don't think choices are easy to  
9 make when issues become politicized and personalized. And I think it's really important to  
10 state that.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Thank you, Councilmember Trachtenberg. Councilmember Elrich.

14  
15 COUNCILMEMBER ELRICH:

16 I want to ask the question, I think, that Roger asked you again. I sat through that meeting,  
17 and I was under the impression that it was not impossible for us to eliminate the  
18 Commission and then re-create a new commission with only the legislative authority. If we  
19 actually abolish the commission and then chose to set out and re-create a new  
20 commission and then have interviews for new Commissioners who would serve under a  
21 more restricted--I proposed at that time to maintain the legislative authority of the  
22 Commission, but eliminate the judicial authority of the Commission.

23  
24 MICHAEL FADEN:

25 We think you probably could do that, but it's a delicate issue because a court would--if it  
26 were challenged--and, of course, it's not clear who would challenge it--a court would look  
27 at how different the new Commission was from the old Commission, both in terms of  
28 authority and responsibility and in terms of membership. Their presumption, of course,  
29 would of course be with the legislation, but it would not be absolutely clear that a court  
30 would say, all right, this is enough of a change to allow a change in their compensation.

31  
32 COUNCILMEMBER ELRICH:

33 But if we were to do that--I mean, it seems to me there are two lines of attack. Somebody  
34 could argue about the compensation, but there is no argument about our--about the  
35 Council's ability to eliminate the quasi-judicial authority. We could do that tomorrow to the  
36 Commission.

37  
38 MICHAEL FADEN:

39 Sure. You could eliminate either authority tomorrow, and, you know, that--if you eliminated  
40 both authorities, it would be absolutely clear, at least to us, that you could change the  
41 compensation immediately. If you did--went the route you suggested, normally that would



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1 get--that would receive deference from a court reviewing the action, but the court would  
2 look to see if it were an end run around the constitutional prohibition against reducing  
3 compensation during a term.

4  
5 COUNCILMEMBER ELRICH:

6 I mean, I support the abolition of the commission and the reconstituting of a commission  
7 with the legislative authority but not the quasi-judicial authority, and I think the Council  
8 should do that and address the issue that we raised in our bill about trying to deal with the  
9 compensation and deal with the compensation now. And I know what kind of cuts this  
10 Council is going to be looking at. The cost of compensation for this year and next year is  
11 more than some of the programs we're going to cut. We're going to sit here and gnash our  
12 teeth, and we're going to cut programs that cost \$15,000, \$20,000, maybe \$40,000, and  
13 express our regret over cutting programs that cost that little, and continue to pay this  
14 compensation. I'm willing to take the chance, abolish the Commission, re-create a new  
15 Commission, reinterview for Commissioners--not automatically reappoint, let people  
16 apply. I have no objection to the existing Commissioners. I have no assumption that I  
17 wouldn't reappoint them, but open up the process and start over again. And the worst that  
18 would happen is somebody would say we're going to sue you over trying to escape the  
19 compensation, and if we lost that, we'd be no worse than we are now. We'd have to pay  
20 the compensation until we had the ability in two years to eliminate it for everybody. So I  
21 would rather take that chance, and I offered that as a compromise. I thought that was a  
22 reasonable way to go to get us to where I thought everybody wanted to be. I also regret--  
23 I'm not going to drag it out here, but you know, the discussion about whether this impaired  
24 the Chief's ability was not exactly the most frank discussion about what people think. I  
25 mean, let's be honest about this. There's what we say publicly, and there's what--all the  
26 other conversations that go on. And so it's kind of regrettable that, you know, we wind up  
27 making decisions based on the public record when we've gotten a very different  
28 impression about how things play out in the real world. And this makes it really hard. I  
29 understand Roger's dilemma. If you ask somebody a question and somebody says, "No  
30 problem," then it's reasonable to conclude that your actions are no problem. I just find it  
31 frustrating--and I find it especially frustrating in this regard. As far as the County  
32 Executive's position goes, I regret that we're not whacking all the stipends for all the  
33 Commissions. I don't know why we are paying for these things at a time like this when we  
34 can't pay for basic services. I think we're in a choice now between basic services and  
35 luxury items. And I don't want to get rid of Commissions. I appreciate their advice. You  
36 know, I want them to continue to exist, but the idea that we'd be paying out any stipends  
37 or doing more in staff support for Commissions when we can't provide basic services to  
38 our residents, we're going to lament all the things we're going to cut, I just think is a  
39 shame, and I would hope that the Council would actually look more broadly at the stipend  
40 issue as we go forward in the budget and make as many changes as possible, rather than  
41 as few changes as possible. So, I don't know where we stand, since this bill is not on the

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1 table for introduction today, but I would urge my colleagues to consider--I thought it was  
2 deferred. I mean, I would urge people--

3  
4 COUNCIL PRESIDENT ANDREWS:

5 No.

6  
7 COUNCILMEMBER ELRICH:

8 I would urge people to consider taking a compromise position on this--support the  
9 abolition and the re-creation of a Commission with legislative authority. Do what we all  
10 know is the right thing to do. And I'll close by saying, you know, there's no other interest  
11 group in Montgomery County that gets a veto over departments. If we're going to allow  
12 interest groups to have veto over departments, I can make a long list of interest groups for  
13 every department in the county who would love to veto or have control over county  
14 policies. And it seems that if we're going to do it for one, why not do it for all? Actually, I  
15 can think of reasons why not to do it for all, so I don't want to go there. But I hope my  
16 colleagues will consider the compromise position, because it was offered, and I think it's a  
17 way that would suit all of our interests.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Well, thank you for the comments, and when we take up the issue in committee, we will  
21 consider all options. And as your colleague on that committee, I guarantee that will  
22 happen, and we will give all options thought and look at ways to bring the Council together  
23 on the issue. We do have a guest who is waiting, who has come a long way to be with us,  
24 so I want to wrap this up, since we will have a lot more opportunity to address this as we  
25 go forward. And there are some lights. I'll ask my colleagues to keep it very brief.  
26 Councilmember Knapp.

27  
28 COUNCILMEMBER KNAPP:

29 Thank you, Mr. President. There's just one quick question. Was there something about the  
30 legislation that had been introduced by Mr. Leventhal which prohibited it from being  
31 amended to address the items that have been proposed in today's legislation that has  
32 been introduced?

33  
34 MICHAEL FADEN:

35 No. Everything you've discussed would be within the scope of that bill.

36  
37 COUNCILMEMBER KNAPP:

38 OK. Just curious. Thank you.

39  
40 COUNCIL PRESIDENT ANDREWS:

41 OK. And Councilmember Leventhal.

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1  
2 COUNCILMEMBER LEVENTHAL:

3 The Public Safety Committee meeting that the President and chairman of that committee  
4 just referred to will be the fifth time that Committee has met to discuss these stipends.  
5 We'll see if perhaps 5 times is the charm. In the last 4 discussions held in that committee,  
6 no action was taken to eliminate the stipends.  
7

8 COUNCIL PRESIDENT ANDREWS:

9 We just took action at the last one in terms of approving the idea, and so it has been an  
10 issue that--the committee clearly supports eliminating the stipends. All right, we're going to  
11 move on to--  
12

13 COUNCILMEMBER FLOREEN:

14 Excuse me. I had my light on.  
15

16 COUNCIL PRESIDENT ANDREWS:

17 Oh, I'm sorry. I didn't see it.  
18

19 COUNCILMEMBER FLOREEN:

20 We seem to have a deficiency here.  
21

22 COUNCIL PRESIDENT ANDREWS:

23 Just push it again.  
24

25 COUNCILMEMBER FLOREEN:

26 There we go.  
27

28 COUNCIL PRESIDENT ANDREWS:

29 There you go. You're there.  
30

31 COUNCILMEMBER FLOREEN:

32 Thank you very much. You know, I agree about the compensation. I am interested in this  
33 conversation that Mr. Elrich has raised and apparently Mr. Leventhal supports. I move that  
34 we amend the agenda to have a conversation about the item on the agenda that is  
35 relevant to it, which is Mr. Leventhal's bill. I understand there's a negative  
36 recommendation from the committee. Everyone has been talking about an item that  
37 actually isn't on the agenda. I see no reason not to address it. If you want to have 4 more  
38 committee meetings, fine. I'm happy to talk about it now. It would be helpful to move on. I  
39 agree with Mr. Leventhal about the fundamental object at least of reducing the  
40 compensation. I agree with Mr. Elrich about respecting some of the functions, and  
41 apparently it has been discussed in committee. I see no reason why we can't wrap this up

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1 or at least, at the very least, I understand the Council President wants us to move on to  
2 the next item. I propose that we amend the agenda to take this up after that.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Well, I would-- UNKNOWN SPEAKER:  
6 Second.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 It's moved and seconded. We have a Board of Health meeting that has been scheduled  
10 for a while.

11  
12 COUNCILMEMBER FLOREEN:

13 Indeed. I appreciate that.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 We have a guest here, and I want to make sure that we have adequate time for that  
17 meeting. I don't know exactly how long it's going to take, but I would suggest that we have  
18 the Board of Health meeting first and then see where we are in terms of time.

19  
20 COUNCILMEMBER FLOREEN:

21 Well, you know, it's our job to make decisions. We're here. It's Tuesday. We have a short  
22 day. Why don't we do it after--I'm happy to--I would propose we could do it after this, then.

23  
24 COUNCIL PRESIDENT ANDREWS:

25 Well, we also have--all right. We have a motion on the table. All those in favor of the  
26 motion, please say aye.

27  
28 COUNCILMEMBERS LEVENTHAL, ERVIN, KNAPP, FLOREEN, AND ELRICH:

29 Aye.

30  
31 COUNCIL PRESIDENT ANDREWS:

32 That is 1, 2, 3, 4, 5. All right. Well, then, we will take it up immediately after the Board of  
33 Health. Thank you. We are now going to move into the Board of Health meeting, and we  
34 are joined by our guest from Johns Hopkins, who is an expert on the impact of pollution  
35 that is traffic related, and we thank him for coming to be with us this morning.

36 Councilmember Trachtenberg asked that we have this as an agenda item for the board,  
37 and we very much appreciate our guest joining us this morning. Glenn Orlin has prepared  
38 a packet that is item number 8, health effects of air quality near major highways. And what  
39 we're going to do is begin with a presentation from Mr. White, who is the Deputy Director  
40 of the Risk Sciences and Public Policy Institute at Johns Hopkins University's Bloomberg  
41 School of Public Health. And he's going to give us a presentation on these topics, which



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1 will be about a 30-minute presentation, I understand, and then we will have discussion  
2 following that. So, Mr. White, thank you for coming to see us this morning and taking time  
3 out of your busy schedule to be here. And I see you've got the mike on, so please, go  
4 ahead and proceed.

5  
6 RON WHITE:

7 Thank you very much. I am Ronald White, and you have my bio and brief introduction  
8 from Council President Andrews. Just to make sure it's clear, I'm appearing before you  
9 today as a private citizen and not as a representative of Johns Hopkins University, and the  
10 statements I make are my own and not the position of Johns Hopkins University or any  
11 part of the university. I also am a resident of Montgomery County, so I am a constituent. I  
12 want to, first of all, thank you for inviting me to discuss this issue of near-roadway air  
13 pollution and its impact on public health. I think this is an important public health issue.  
14 Frankly, it's somewhat underappreciated in terms of its potential impact on public health  
15 and I hope I will take less than half an hour to go through some basic information about  
16 this issue. I am a university professor, so if I tend to say things that you may not  
17 completely understand or you want some clarification on, please interrupt me and ask me  
18 questions. But I will try to keep this relatively short and leave plenty of time for your  
19 questions and some discussion. So with that, let me lay out what the concern is here first.  
20 There are a number of emissions from motor vehicles on roadways that are of concern,  
21 especially for populations that live in close proximity to these roadways. What you have  
22 before you is a listing of some of the pollutants that are of particular concern. And at the  
23 top of the list, and the one that I'm going to spend probably some time focusing on, is  
24 diesel particulate matter. Diesel particulate matter comes from heavy-duty diesel engines  
25 as well as light-duty diesel engines, but in this country, heavy-duty diesel is the majority  
26 of the diesel sources. And I'll talk a little bit more about that pollutant and why it's of  
27 concern. We're also concerned about ultrafine particles, and what you have on your right  
28 is a diagram of the difference in sizes in particulate matter, and this is a case of where  
29 size matters. The very small particles are the ones that go deepest into the lung, that  
30 enter the lung and go down into the deepest part of the lung. And actually, the ultrafine  
31 particles, which is the next bullet down, are the ones that are the very smallest particles  
32 that can actually get into the blood system and be carried through the blood system into  
33 other organs of the body and have impacts, for example, on the cardiovascular system  
34 and on the brain. The other pollutants that you have listed there--carbon monoxide is a  
35 common motor vehicle pollutant, interferes with cardiovascular function as well as a  
36 number of other functions. Nitrogen dioxide is the pollutant, again, emitted by motor  
37 vehicles, has been linked to impacts in lung function in long term and long-term health.  
38 Benzene and 1,3-Butadiene are organic compounds that are, in the case of benzene, a  
39 known human carcinogen. 1,3-Butadiene is a neurotoxic compound and also a probable  
40 human carcinogen. I want to mention diesel exhaust because there's a lot of attention  
41 being focused on it these days. It is typically a pollutant where there is a carbon core



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1 surrounded by organic compounds, including some of the ones that I've just talked about  
2 that are either carcinogens or neurotoxins, and these particles actually, then, can get  
3 inhaled deep in the lungs, and it's important to note that about 92% of the mass of these  
4 particles--in other words, the size of these particles--are extremely small. They're one  
5 micron in diameter small. Just to give you an idea, your hair is about--the diameter of your  
6 hair is about 70 microns in diameter. So these are particles that are 1/70 or smaller than  
7 the diameter of your hair. There is an extensive now, and growing, body of scientific  
8 evidence, primarily from the epidemiological literature but also from animal toxicological  
9 studies that associate living in close proximity to roadways with adverse health effects.  
10 And I will actually spend most of my remaining remarks going through some of that  
11 literature for you. These are epidemiological studies that have been conducted all round  
12 the world. In fact, some of the earliest studies, which were from the 1990s, were in  
13 Europe, where because of the way cities were developed in Europe, we have lots of  
14 citizens in close proximity to high-traffic roadways, and so those were some of the first  
15 areas that were being studied. Scandinavian countries as well. But now here in the U.S.,  
16 there have been an increasing number of studies over the last 10-15 years that document  
17 this concern, as well. These studies typically look at a number of metrics for assessing the  
18 impact of roadways on public health. Many of them look at people's distance from  
19 roadways, looking at the area between the edge of the roadway and typically about 300  
20 meters out. Some studies look at 200 meters, some studies look at 400 meters, but  
21 typically it's between the edge of the roadway and 300 meters. Others have looked at  
22 traffic density in terms of the number of vehicles per mile of roadway or the number of  
23 vehicles on the roadway. For example, some have used, as you'll see, metrics such as  
24 looking at roadways where there's 50,000 vehicles per day or more or freeways that carry  
25 100,000 vehicles or more, just as an example. And some of them have used proxies for  
26 traffic exposure--for example, used nitrogen dioxide, which I'd mentioned as the pollutant  
27 from motor vehicles, and have used that--levels of that pollutant as a proxy for  
28 measurement of exposure to traffic in close proximity to roadways. So what are some of  
29 the health concerns that have been discovered in these studies? And I know you've  
30 received some background material, some of which I suggested be included in your  
31 packets, which I know are somewhat technical, but hopefully you got the sense, especially  
32 from the conclusion sections, that there is now a convincing body of evidence, and I'll  
33 come back to that, that address some of these health outcomes that I've listed here--  
34 respiratory symptoms, asthma outcomes, allergic sensitization, which relates, of course,  
35 to asthma, immunological effects, respiratory function effects, which I'll talk about in a little  
36 bit more detail, increases in respiratory disease, adult and childhood cancers,  
37 cardiovascular outcomes, birth outcomes, and premature mortality. So a long list of health  
38 outcomes now that have been examined in the context of being exposed to living in close  
39 proximity to roadways. How this pans out in terms of the pollutants and their connection to  
40 these health outcomes are in this next slide. In terms of benzene, the concern there has  
41 been leukemia. Benzene has been shown, in occupational health studies, to be linked to



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1 leukemia, and there have been a limited number of studies that examines living in close  
2 proximity to roadways and the incidence of leukemia, both in children and adults, and  
3 have found a connection, and the thought there is that it's related to the benzene  
4 exposure. Benzene is a component-- although it's being reduced, it's a component in  
5 gasoline. Diesel emission particles, or DEP--that's what the DEP stands for at the top of  
6 that--has been linked to lung cancer. Particulate matter has been linked in a number of  
7 epidemiological studies more generally to premature death related to lung cancer, and it  
8 has been similarly associated with diesel particles. And allergic rhinitis, there are some  
9 very elegant studies that have been done, looking both at the animals, animal studies, as  
10 well as human studies, at the increased sensitization to allergens from exposure--pre-  
11 exposure to diesel particles, as well. In terms of carbon monoxide in particles, again, the  
12 concerns are typically birth outcomes, fetal hypoxia, low birth weight, and then in the case  
13 of particulate matter, neurodevelopment. And nitrogen dioxide, ozone, and particulate  
14 matter have all been linked to the outcomes you see listed there--respiratory symptoms,  
15 increases in asthma, lung function decrements, increases in ischemic heart disease, and  
16 premature mortality. So I've tried to, rather than going into a tremendous amount of detail,  
17 sort of summarize for you what the evidence is generally from these studies on some of  
18 the health outcomes that I've just mentioned. So first, looking at the issue of asthma and  
19 respiratory symptoms and increases in lung disease, where I have a plus shows that  
20 generally the studies find a relationship between close proximity, living in close proximity  
21 to roadways, and these health outcomes. Where I have a minus and a plus, there are both  
22 studies that find these associations and studies that don't. So, for example, in the issue of  
23 incidence of asthma and respiratory symptoms, the evidence is fairly consistent that there  
24 is an association, in the same way the acute care visits for asthma and respiratory  
25 symptoms. Emergency department visits and hospitalization is a little bit more equivocal in  
26 terms of there are studies that find effects and studies that don't, and the same with  
27 medication use. And in the case of respiratory symptoms as listed there--cough, increase  
28 in phlegm, wheeze, and shortness of breath, and increases in chronic obstructive  
29 pulmonary disease, which is chronic bronchitis and emphysema, that's been found  
30 primarily in studies that have looked at women. One of the significant concerns is the  
31 effect of near-roadway exposures on children, and what I summarized here, and borrowed  
32 a graphic from the California Environmental Protection Agency, summarizes some of the  
33 findings from studies that have been done in the last few years, studies that have found  
34 an 89% increase in the risk of asthma from living in close proximity to freeways. Looking  
35 at long-term residents who are in close proximity to high traffic areas, an 85% increase in  
36 the risk of ever having had asthma. So that's, in the prevalence of asthma, about a 2.5  
37 times increase in the risk of having--requiring current treatment for asthma and about a  
38 2.7 times increase in the risk of wheezing related to asthma. There's also about a 5-8%  
39 increase in the risk of suffering from acute respiratory symptoms in children who live--who  
40 are attending schools that have been located in close proximity to high traffic volumes. In  
41 terms of adult asthma, there's a recent study here--I'm showing you the graph that shows

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1 that there's an increase when you compare low traffic areas to medium and high traffic  
2 areas. Typically, you're looking at something in the neighborhood of about 30-40%  
3 increase in medium traffic areas and then a much higher increase, about 60-80%  
4 increase, in poorly controlled asthma, which is asthma that--in which there have been  
5 weekly asthma symptoms or hospitalization in the past year in adults living in close  
6 proximity. And the effect, as you'll see, is much more significant in elderly asthmatics--65  
7 and older--than in the younger asthmatics. Yes.

8  
9 COUNCILMEMBER FLOREEN:

10 Yes, professor, I have a question. This particular study you're referring to, I guess, is--and  
11 I know it applies to lots of areas--L.A. and San Diego.

12  
13 RON WHITE:

14 Correct.

15  
16 COUNCILMEMBER FLOREEN:

17 Do these studies address the ozone issues, as well? I mean, other air quality issues that  
18 are--that we are trying, perhaps ineffectively, to address throughout the country? I do a lot  
19 of work in the air quality and environment, and particularly in L.A., you know, they have  
20 major-- major ozone issues generally.

21  
22 RON WHITE:

23 Well, ozone is a very significant air pollutant problem, and in terms of near-roadway  
24 exposures, ozone actually becomes less of an issue. Interestingly enough, ozone typically  
25 is less in areas very close to roadways because the nitrogen oxides that are emitted by  
26 vehicles actually scrubs ozone. So it's actually much more of a concern from a regional  
27 point of view, and it's a regional pollutant with a lot of adverse health effects, including  
28 premature death and exacerbation of asthma and a whole number of other issues. But in  
29 terms of being in close proximity to roadways, the pollutants that I've mentioned at the  
30 beginning of the discussion are the ones that are really getting the most attention.

31  
32 COUNCILMEMBER FLOREEN:

33 It's an interesting issue because most of the monitors are located close to roadways, I  
34 think--I'm not sure for certain--at least in the air quality environment. So the issue of  
35 isolating out these elements--is that--is there scholarly material on that subject?

36  
37 RON WHITE:

38 On which subject?

39  
40 COUNCILMEMBER FLOREEN:

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1 The relationship between some of the other air quality studies and these traffic--traffic  
2 associated analysis that you're telling us about now.

3  
4 RON WHITE:

5 There are a lot of studies that are certainly looking at the effect of motor vehicle related air  
6 pollution on a regional scale or metro scale and health outcomes. I mean, that's, in fact, a  
7 huge body of evidence. This particular area of looking at living in close proximity to high  
8 volume traffic is still an emerging area of scientific interest.

9  
10 COUNCILMEMBER FLOREEN:

11 OK. So it's a subset of that.

12  
13 RON WHITE:

14 So it's a subset of that, and the ozone issue has really not been focused on, for the  
15 reasons that I've just suggested. And actually, you're raising an interesting point--we can  
16 get to that maybe in follow-up--which is that typically, air quality monitors are not located  
17 near high traffic facilities, for specifically that reason--that they're trying--the attempt is to  
18 make them representative of what the population in general is exposed to.

19  
20 COUNCILMEMBER FLOREEN:

21 Sure. Yeah. OK. And I don't mean to distract you from your main presentation.

22  
23 RON WHITE:

24 Those are good questions.

25  
26 COUNCILMEMBER FLOREEN:

27 It just struck me, looking at the L.A. on there. Thank you.

28  
29 RON WHITE:

30 Yeah. I want to now turn to cardiovascular effects. There is certainly an increasing body of  
31 evidence that air pollution generally has a significant effect on cardiovascular health, in  
32 terms of a whole host of outcomes. In terms of local traffic, there are studies that have  
33 looked at blood pressure and acute myocardial infarction, or heart attack, atherosclerosis,  
34 which is a hardening of the arteries, chronic heart disease--I'm sorry, congestive heart  
35 disease prevalence, and emergency department visits and hospitalizations, and generally  
36 the studies there are very consistent in finding a relationship between those--those  
37 exposures and those outcomes. Cardiac function, the results are a little bit more mixed.  
38 Some studies are finding an effect, some studies don't. In terms of growth and  
39 development in newborns, infants and newborns, studies on preterm birth, lung function,  
40 and now, very recently, on neurodevelopment are finding a relationship between living in  
41 close proximity to high traffic roadways and those outcomes. In terms of low birth weight,

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1 again, the results are a little bit more mixed. There are studies that are finding outcomes  
2 that are associated and others that have not been able to find that outcome. So it's a little  
3 bit more of a mixed bag. I want to mention a specific study that has been attracting a lot of  
4 attention over the last several years. This is a study--probably one of the most extensive  
5 studies that has ever been done on children's health in relationship to air pollution. It's the  
6 Southern California Children's Health Study, which was done in 12 communities, in  
7 southern California, obviously, which tracked children over--which were recruited in early  
8 childhood and then followed these children in terms of their lung function and disease  
9 outcomes for several years. And what you're seeing here is results from the study, which  
10 was published by Jim Gauderman and his colleagues, and what you see here is that living  
11 in the closest proximity to freeways--so that's less than 500 meters--the children who were  
12 in those environments actually had lung function that was approximately 5-6% less than  
13 what it should have been, based on predicted lung function growth. And in fact, even at  
14 the 500-1,000 meter distance from the roadways, there was an effect at 18 years of age,  
15 when they were--which is when their lung function should be fully developed. These  
16 changes were assessed very rigorously in terms of protocols that were done, and as I  
17 indicate on the slides here, these changes are likely to be permanent, with long-term  
18 health implications. So what are those health implications? So what I--what you see here  
19 is a chart that shows lung function development in humans, and what you find is that at  
20 about 18 years of age, we typically reach our maximum lung function development, and  
21 we plateau for a little bit, and then unfortunately as we hit our late twenties and early  
22 thirties, it starts to decline, and it declines more rapidly as we get older. And the nice thing  
23 about human biology is that we have been built with a reserve of lung function so that  
24 even though our lung function declines as we get older, the lung function decline doesn't  
25 reach the point where we have significant respiratory problems, assuming that we reach  
26 our full lung health potential in terms of our lung growth and we don't damage ourselves  
27 with things like smoking and other kinds of damaging habits and exposures. What you see  
28 here, though, is the implications of the children's health study that I just mentioned, which  
29 is that a 6-7% reduction in lung function growth means that if you project out to the full life  
30 of these children, that they are actually eliminating that reserve capacity that they would  
31 have had built in had they had full lung development. And once they reach, let's say, their  
32 mid- to late sixties, they will actually have the potential to have lung function impairment  
33 and experience symptoms like potentially shortness of breath and so on. So that's  
34 hopefully an explanation of why this--what seemed to be a relatively small decrease in  
35 lung function growth has significant public health implications for later on in life.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 We have a couple lights, and I want to first ask the speaker if he has more to the  
39 presentation.

40  
41 RON WHITE:



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1 I do. Am I running over?

2  
3 COUNCIL PRESIDENT ANDREWS:

4 All right. No, you're doing fine. Unless it's a point of clarification, I'd like to let the speaker  
5 finish his presentation, and then we'll go to questions. And please go ahead and proceed.

6  
7 RON WHITE:

8 Thank you. So I want to then turn to traffic effects on infants. As you see here, there are  
9 studies, as I mentioned, that have found a relationship between living in close proximity to  
10 traffic--in this case, pregnant women and low birth weight in their offspring, about a 36%  
11 increase in prevalence in low birth weight. That is primarily assumed to be related to  
12 carbon monoxide exposure. Even though carbon monoxide levels are reducing in motor  
13 vehicles, due to more stringent vehicle controls, it is still a concern, especially because it's  
14 a localized pollutant, so it's high very close to the tailpipe and then diminishes with  
15 distance. In terms of premature birth, a 27% increase in prevalence of premature birth in  
16 those with traffic exposure and high carbon monoxide exposure, and a study that found  
17 cardiac birth defects, about a 3 times increase in the risk with traffic related pollution  
18 exposure. So a host of studies there. I'm going to mention this study, and I apologize for  
19 the scientific graphic there, but I want to make the point. A very recent study that just  
20 came out last year which was done by the Harvard School of Public Health--and a very  
21 well done study, I might add--found a 3-4% percentage point drop in IQ and cognitive  
22 function test scores in children who were living in close proximity to roadways. And I'm  
23 showing you the table there only to show you that they adjusted for a number of different  
24 factors that might have influenced this outcome. So they adjusted for things like mother's  
25 education and the language spoken at home, age and gender. They adjusted for things  
26 like exposure to tobacco smoke, both direct and secondhand smoke. They adjusted for  
27 birth weight, and they even adjusted for blood lead levels, because they had that  
28 information. So it was a very extensive study that really tried to adjust for all potential  
29 factors that may have confounded the results of the study. That's very significant. A 3-4%--  
30 -a 3-4 point reduction in IQ is not insignificant. With respect to cancer, there have been a  
31 number of studies that have looked at the proximity to high traffic roadways, and  
32 childhood cancer. The results have been somewhat mixed--some studies finding a  
33 relationship, others not, but there are studies that have found a relationship with lung  
34 cancer and mesothelioma, which would be associated with exposure to asbestos from  
35 brakes, for example. With respect to adult lung cancer, probably the most extensive study  
36 that has been done has not been done here in the U.S. It was done in Europe, and this is  
37 a study of about half a million men and women age 35-74 that was done in 10 European  
38 countries. They had extensive information about the participants involved in the study, and  
39 what they found was a 30-46% increase in the risk of lung cancer and a 5-7% attributable  
40 percentage of lung cancers, using heavy proximity--living in proximity to heavy traffic as  
41 the indicator. So this is not insignificant. So we know most of lung cancer comes from



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1 cigarette smoking, both direct and indirect smoking--secondhand smoke--but we also are  
2 finding a relationship between lung cancer and air pollution, and quite a bit of that is  
3 probably due to traffic proximity. Finally, in terms of health effects, associations between  
4 premature death and traffic exposures--this is not surprising, given the literature on air  
5 pollution and premature death. And both--these findings have been found for total  
6 mortality, cardiopulmonary mortality, and stroke mortality. I'll skip this study in the interest  
7 of time. So I want to mention that obviously we're talking about epidemiological studies.  
8 Epidemiological studies have limitations. They typically don't provide evidence of  
9 causation. They are showing relationship between factors and outcomes--and health  
10 outcomes, in this case. We don't necessarily know in these traffic studies what the agent  
11 or agents are that are causing the effects. We know that we're measuring traffic  
12 emissions. We are relying, in some cases, on subjective reports--for example, of parents  
13 with children with asthma, in terms of their symptoms. People self-select their residence.  
14 Typically people who have more money and may be healthier typically don't live close to  
15 high traffic roadways. There are issues in terms of how we assess their exposure. There  
16 is potential--what's called confounding, which is essentially, are there other factors that  
17 might be reasonably causing the findings that are being found other than the traffic  
18 pollution exposure? But often, most of these studies are actually doing a good job of trying  
19 to address those potentially confounding factors. And we still need better information  
20 about who the susceptible populations are that are being potentially impacted, but we  
21 have some idea, from the studies that I've just shared with you, that it's children, it's the  
22 elderly, it's people with chronic respiratory and cardiovascular disease, and others that  
23 suffer from those conditions--for example, diabetics, who typically have higher risk of  
24 cardiovascular disease. So what's the bottom line on these studies? And I shared with you  
25 two quotes from the articles, actually, that I provided--were included in your packet. And  
26 from the review that was just published last year, which looked at studies between 1999  
27 and 2006, the quote was--and I agree with both of these quotes, "The consistency of  
28 reported results across the studies provide a weight of evidence finding suggesting that  
29 residential proximity to traffic can be associated with adverse effects and poses a public  
30 health threat." And from my former colleague at Johns Hopkins, John Samet, who's now  
31 at USC, his quote, "An enlarged body of research evidence indicates that exposure to  
32 traffic related air pollution adversely affects health, and the evidence raises concern about  
33 a threat to public health that we've managed with great difficulty." So I'm going to wrap up  
34 with some thoughts about what can we do about this and what are people doing about this  
35 issue, and I hopefully will have a little time for question and discussion.

36  
37 COUNCIL PRESIDENT ANDREWS:

38 We will.

39  
40 RON WHITE:

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1 In terms of current motor vehicle air pollution control strategies, we're looking at  
2 engineering strategies to reduce tailpipe emissions from motor vehicles. In terms of  
3 particulate matter, which I singled out as a special concern because of its--especially from  
4 diesel vehicles, in terms of its health impacts, these engineering controls are getting better  
5 at controlling the fine particles, which are small particles, but the extremely small particles,  
6 which we term ultrafine particles, they are not as good at capturing, and some of these  
7 particles are still likely to be emitted. We are looking at stricter passenger and heavy-duty  
8 vehicle standards, and we are relying on fleet turnover--in other words, the replacement of  
9 older vehicles with newer vehicles. Unfortunately, for the last year and a half to two years,  
10 given the economic environment, we are seeing a slower fleet turnover than we would  
11 have normally assumed in previous years. People are buying fewer and fewer new cars,  
12 as we all know, given the condition of the auto companies. So fleet turnover will be not  
13 nearly as high as we had assumed, let's say, 3 or 4 years ago. We're relying on improved  
14 inspection and maintenance programs. We're looking at retrofitting existing heavy-duty  
15 vehicles with controls. We're looking at potentially using alternative fuels, and in fact, in  
16 some--in terms of buses and some delivery trucks, we're looking at alternative fuels such  
17 as natural gas. And we're looking at improved gasoline and diesel fuel formulation that will  
18 control the toxic air contaminants and allow the use of more advanced technology. The  
19 problem, of course, is that we typically measure emissions on new vehicles, and new  
20 vehicles don't maintain those levels of emission controls over time. They degrade, so we  
21 don't necessarily get what we thought we'd get when we buy a new vehicle over time, and  
22 the bottom line is that transportation policies still need improvement. With my colleagues  
23 at Johns Hopkins and also in conjunction with the Harvard School of Public Health, we  
24 organized a workshop on this issue a number of years ago--at this point, almost exactly 5  
25 years ago. We recognized this was an emerging issue of substantial public concern, and  
26 we summarized the health issues, and you have the results of that workshop in the  
27 workshop report that was provided with your packet. What I want to focus on are some of  
28 the--what we called at the outcome of this workshop "no regret strategies." So these are  
29 strategies that make sense to do, whether or not we have definitive information about the  
30 relationship of traffic proximity and health--things like decreasing vehicle miles traveled,  
31 decreasing congestion and idling, addressing high-emitting vehicles, retrofitting heavy-  
32 duty diesel vehicles with new emission controls. We suggested that there needs to be  
33 consideration of traffic exposures from land-use policies--both urban infill policies, where  
34 we're trying to get downtown cities and metropolitan areas to infill, as well as the potential  
35 implications of development that result in land-use sprawl, increasing vehicle miles  
36 traveled. We want to certainly shift transportation modes away from motor vehicles  
37 through things like telecommuting, shifting folks to mass transit, and biking. Potentially  
38 considering things like air-cleaning technologies, where we have sensitive locations like  
39 schools, hospitals, nursing homes, so on. We need to think about the possibility of also  
40 addressing building codes in terms of where we put air intakes for heating ventilation and  
41 air conditioning units, in terms of close proximity to roadways. We could look at issues

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1 related to zoning codes that require setbacks from freeways, with the institution of buffer  
2 zones, especially for sensitive uses, and also the issue of improving our understanding of  
3 what the pollution levels are near roadways by improving our monitor siting, which we  
4 addressed earlier. California did recognize this issue in terms of schools. They passed a  
5 law in California in 2004 that prohibits the siting of new schools within 500 feet of a  
6 freeway or a major traffic corridor unless the state Environmental Protection Agency  
7 certifies that there is a negative short- or long-term air pollution health risk, and that health  
8 risk needs to be determined based on all sources of hazardous air pollutants that are  
9 within a quarter-mile of the school site. I won't address the graphics on the right. They  
10 basically relate to the exposure of low-income students in schools that are in close  
11 proximity to freeways. California also has taken the lead in trying to address this issue in  
12 terms of land-use planning. The California Air Resources Board has issued a land use  
13 and air quality handbook that provides guidance on siting sensitive land uses in proximity  
14 to sources of these air toxics, primarily diesel particulates from freeway and high-traffic  
15 roads. They've defined sensitive land uses as residential communities, schools,  
16 schoolyards, daycare centers, parks, playgrounds, hospitals, and medical facilities, and  
17 they recommend that these sensitive land uses be sited no closer than 500 feet from a  
18 freeway or other high-traffic roadway. And Sacramento has taken this information and  
19 actually, starting in 2007, developed guidance for their developers, and they have an  
20 assessment protocol that they have in place. The most recent update of that was actually  
21 earlier this month, and the idea is to provide a protocol for the assessment of the potential  
22 health impact--in this case, the potential cancer risk from these diesel emission particles  
23 that I've mentioned that have been associated with cancer risk, and they basically require  
24 a developer to go through this assessment process if they have--if they're in close  
25 proximity, so that's within 500 feet of a high-traffic roadway, which they define as an urban  
26 roadway with more than 100,000 vehicles per day or a rural roadway with more than  
27 50,000 vehicles per day. They provide a screening risk threshold of about 3 in 10,000  
28 excess risk of cancer, and they also provide some information about potential mitigation  
29 that a developer might undertake if they have to site in close proximity to a roadway in  
30 terms of trying to maximize the distance from the roadway, redesigning the site so that it's--  
31 the site-sensitive uses are as far away from the roadway as possible. Some information  
32 about the potential benefits of tiered vegetative plantings--it turns out that trees actually  
33 do a fairly decent job when there's low wind velocity of removing some of these particles.  
34 And also the consideration of using filtering systems, such as HEPA filters and also,  
35 again, where you place your air intake for your ventilation system. So with that, I will stop  
36 and open up the conversation for questions.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 Thank you very much, Mr. White, for that presentation. I want to mention quickly, because  
40 you were too modest to do so, a little bit about your background so people know your  
41 experience in this issue, the people listening or watching--that you're an associate





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1 scientist in the Department of Health Policy and Management at Johns Hopkins. I know  
2 you're speaking as an individual today. That you previously served as assistant Executive  
3 Director, Education, Research, and Community Affairs at the National Osteoporosis  
4 Foundation and in several positions at the National Office of the American Lung  
5 Association, culminating as Assistant Vice President for National Policy. You were Senior  
6 Transportation Air Quality Planner and then Public Participation Coordinator for Air Quality  
7 Planning at the Tri-State Regional Planning Commission in New York, and that you  
8 currently serve as a member of the External Science Advisory Committee for the National  
9 Environmental Respiratory Center of the Lovelace Respiratory Research Institute, and  
10 you have many other credentials in terms of experience working on this issue. So on  
11 behalf of the Council, I very much appreciate you coming today to present to us on this  
12 issue, and for the packet that you prepared. I know there are several questions or  
13 comments from my colleagues. I think one thing we have to think about here is, OK, we  
14 have this information. We know there are these connections. There is a demonstrated risk  
15 of living in close proximity to a highway in terms of lung development for children, as the  
16 Gauderman study demonstrated. So, then, what are the policy responses of a body like  
17 ours to that? California, they have a law regarding the siting of schools within 500 feet. It's  
18 generally a prohibition. What in that area might we want to look at in terms of future  
19 decisions about siting certain facilities, like schools or homes, within 500 feet of a major  
20 highway? Or what kind of mitigation would need to be done if that's done to adequately  
21 reduce the risk to vulnerable populations? So I think that is sort of the issue before the  
22 Council in terms of where we might go from here, and I want to first turn to  
23 Councilmember Trachtenberg, who was the Councilmember who proposed that we have  
24 this on our Board of Health agenda. Councilmember Trachtenberg.

25  
26 **COUNCILMEMBER TRACHTENBERG:**

27 Thank you, President Andrews. I want to start my remarks off by thanking Ron for being  
28 here this morning. Phil is absolutely right--you've been modest in what your background  
29 is, and I know your reputation precedes your appearance today, and the adjective that I  
30 most heard from your colleagues was "thorough," and I would suggest very strongly that  
31 your presentation this morning indeed is--was a very thorough presentation, and I think  
32 you made a very good case for why we have to take seriously the public health  
33 implications of so many of the land-use decisions that we make here on a local level. And  
34 I also want to acknowledge Dr. Orlin from our staff, who worked with you to put together  
35 what I would consider to be an excellent packet, a very solid foundation for this really  
36 important conversation. You know, as I said, I think you made a very good case around  
37 public health impact, and I don't want to really get caught up in asking you--I had a whole  
38 list of questions, but really, quite frankly, you've answered most of them, so I don't want to  
39 get too much in the weeds on more detail around public health outcome, but what I'd like  
40 you to focus on in conversation with me is one item, which is public health risk  
41 assessment and the fact that that is part of a protocol that now is being utilized out in



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1 Sacramento. And I guess my first question to you, before we talk about what a health risk  
2 assessment is, because I think we should get that basic--is a copy of the latest protocol  
3 available online, or could we find a way to actually secure one?  
4

5 RON WHITE:

6 The Sacramento protocol is available online.  
7

8 COUNCILMEMBER TRACHTENBERG:

9 It is? So it's right--it would be through their Health Department or through the  
10 Transportation--  
11

12 RON WHITE:

13 It's through the Sacramento Council--  
14

15 COUNCILMEMBER TRACHTENBERG:

16 OK.  
17

18 RON WHITE:

19 I can actually--I have a copy on my computer. Actually, I just moved my offices, and my  
20 computer is in transition, but I hopefully will be up and running by this afternoon, and I  
21 would be able to provide Dr. Orlin with a copy and--or at least the link to the most recent  
22 version of the document.  
23

24 COUNCILMEMBER TRACHTENBERG:

25 Yeah. That would be very useful. I didn't realize that there was a recent--you know,  
26 updated set of regulations, but it sounds like it was just issued a few weeks ago. But let's  
27 go back to a brief conversation on what a health risk assessment would be. In other  
28 words, what would the essential components of that look like, and what kind of public  
29 health support would be necessary to complete and document such an assessment? And  
30 the reason I'm asking that is because back in October of 2007, when we first began a  
31 conversation around public health impact and one particular roadway project--the ICC  
32 here in Maryland--it was surprising to me to learn that on the state level, they indeed didn't  
33 have any kind of public health staffing who were routinely making assessment around that  
34 road project. And I know a letter was sent by the then-Council President--and again, very  
35 little detail was provided when they were asked direct questions about this. It doesn't  
36 seem at this point yet that they've even hired any contractual support. So I think it's  
37 important to figure out what a health risk assessment would entail because one of the  
38 questions that clearly we're going to have to debate is what kind of resources can be put  
39 together to make that kind of an assessment happen.  
40

41 RON WHITE:

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1 So, first of all, thank you for your compliments. I appreciate it. In terms of a health risk  
2 assessment, really the question is, for what? And the kind of process that, for example,  
3 Sacramento is now requiring of developers of new--in terms of siting new development is  
4 really focused on, as I mentioned, the one issue of cancer risk, although they do make  
5 clear in their guidance, and they actually cite some of the same studies that I've just  
6 covered, that there are non-cancer health risks associated that should be reported,  
7 evaluated and reported qualitatively but not quantitatively. But in terms of a quantitative  
8 health risk assessment, which estimates the health risks to the population, it's done  
9 primarily only for cancer risks associated with exposure to these diesel particles from,  
10 essentially, truck--heavy-duty truck traffic, and that's what's being required in Sacramento.  
11 And that process is basically just looking at estimates that are provided by the California  
12 Resources Board in terms of the handbook that I mentioned, also in terms of a protocol or  
13 how to go about doing this. They actually provide sample calculations in the Sacramento  
14 guide for a developer or their consultant to actually go through this process. It's not a very  
15 complicated--it certainly takes technical skill, but it's not a highly intensive risk assessment  
16 process. The--what you really need to do is know what the volume of vehicles are in the  
17 roadway that you're in close proximity to, you need to have some idea of how far you're  
18 going to be from the roadway, and then you basically are estimating the potential air  
19 pollution levels at the site where you're siting your facility, and then coming up with an  
20 excess cancer risk above and beyond the background levels to--you know, for that  
21 particular exposure. And they make it very clear that the idea is to address both the  
22 incremental risk in addition to the background risk, because we have a background risk of  
23 cancer that we need to consider. So that is basically what Sacramento is requiring of  
24 developers. I think it's an important first step. In terms of a more comprehensive risk  
25 assessment, you know, I think the issue then becomes what studies do you select for and  
26 what health outcomes do you want to examine. Do you want to try and examine the long-  
27 term impacts on children's health in terms of lung function? Do you want to look at  
28 exacerbations of asthma? You know, you could then pick studies that have what we call a  
29 dose-response relationship that shows for a given level of pollution or close proximity to  
30 traffic, this is the excess risk of a health outcome, and you would have to apply those risk  
31 factors to a population that you are defining as the population that would be in close  
32 proximity to the roadway and then run through that process of coming up with the potential  
33 number of excess cases of disease or whatever it is--whatever health outcome you're  
34 looking at. So my point is that this could be as limited or as extensive as you would want  
35 to make it to be, and it's frankly as resources would allow.

36  
37 COUNCILMEMBER TRACHTENBERG:

38 Is the protocol that's pursued out in Sacramento--is there an ongoing collaborative effort  
39 with, say, a public health school? Is that the basis by which that is being maintained, or is  
40 it strictly a Health Department operation? Do you know?

41

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1 RON WHITE:

2 I believe--I believe it's just a governmental function at this point. It's not being done  
3 through the School of Public Health that I'm aware of.

4  
5 COUNCILMEMBER TRACHTENBERG:

6 OK. Well, I very much appreciate your description of the assessment, and what I would let  
7 Glenn know is that I'm going to follow up with you because what I really would like to  
8 pursue is some type of health regulation which requires a health risk assessment, and  
9 obviously part of the discussion will be on how thorough, how extensive that kind of an  
10 assessment would be and clearly what steps would need to be taken to implement it and  
11 provide adequate resources to make it happen. And obviously I'm not just thinking about  
12 the one roadway, the ICC, when I state that I want to pursue such a legislative action.  
13 What I'm really thinking about are a lot of the roadway projects that we are evaluating at  
14 this time, and certainly those that have impact upcounty in particular, and I think this is  
15 forward-thinking, and it makes perfect sense given what our responsibilities are with land  
16 use. Again, Ron, thank you for being here this morning, and I'm going to defer and  
17 perhaps fill in with other questions at the end, but I realize we're a little bit behind, and I  
18 know we've got to address at least one more item on the agenda before lunch.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Thank you, Councilmember Trachtenberg. Councilmember Floreen is next.

22  
23 COUNCILMEMBER FLOREEN:

24 Thank you very much, Mr. White. It's a very interesting presentation. I have to say I really  
25 regret that our Planning people weren't here to hear you, so--

26  
27 GLENN ORLIN:

28 I talked to Planning staff, Ms. Floreen, and they're interested in this.

29  
30 COUNCILMEMBER FLOREEN:

31 They're watching?

32  
33 GLENN ORLIN:

34 They are watching, actually.

35  
36 COUNCILMEMBER FLOREEN:

37 Good. Hi.

38  
39 GLENN ORLIN:

40 They said they're planning to, and if they can't, they're going to watch the rebroadcast.

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1 COUNCILMEMBER FLOREEN:

2 Well, I'm sure you'll--

4 GLENN ORLIN:

5 Both the Transportation people and the Growth Policy people.

7 COUNCILMEMBER FLOREEN:

8 This is very good. I'm glad to hear that. I have spent over--gee, it's my seventh year now, I  
9 guess, involved in air quality issues for the county and the region, so I run the risk of  
10 knowing a little about a lot of things, and I appreciate the challenges that everyone faces  
11 in coordinating this information and making the best use and helping us to form the best  
12 public policy in this regard. So this is a very interesting conversation. What--is this--I'm just  
13 trying...I run the risk of trying to, you know, zero in on some of the details, sometimes, that  
14 drive the decisionmaking. Is this all about ultrafine particulate matter?

16 RON WHITE:

17 Ultrafines, as I mentioned, are a real concern. It's something that has emerged in the last,  
18 I would say, 10-15 years as something that has risen to the top of air pollution health  
19 concerns. These are the smallest particles that not only can get deep into the lung but  
20 actually, as I mentioned, can translocate in the body to other organs in the body.

22 COUNCILMEMBER FLOREEN:

23 So is that the part--the element of--it seems to me that we're mostly talking about diesel  
24 fuel? Is that correct?

26 RON WHITE:

27 Diesels are a significant concern, both because of their potential link to cancer outcomes,  
28 as well as the fact that diesels produce a lot of these ultrafine particles.

30 COUNCILMEMBER FLOREEN:

31 So is that--should that be our focus for the future--diesel fuel?

33 RON WHITE:

34 I think diesels should be a significant focus. It's not the only focus.

36 COUNCILMEMBER FLOREEN:

37 We're sitting here watching some stationary sources emit fuel into the community there as  
38 they build our next courthouse.

40 RON WHITE:

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1 Yeah, and I would also just mention, by the way, diesel engines are used in construction  
2 equipment, as well.

3  
4 COUNCILMEMBER FLOREEN:  
5 Indeed yes.

6  
7 RON WHITE:  
8 So those are another significant source of diesel emissions. But in terms of the roadway  
9 issue, diesels are certainly--heavy-duty diesels are certainly a key component of it. I  
10 wouldn't say it should be the sole focus because other traffic certainly--emissions are a  
11 concern in terms of high-volume traffic, but--for example, there have been studies that  
12 have looked in southern California, in the L.A. area, comparing freeways that carry  
13 primarily passenger vehicles versus freeways that have a heavy component of heavy-duty  
14 trucks and buses, and--in fact, I have a slide on that, if you want to see it. And what they  
15 show is that the levels of ultrafine particles are much higher in the ones that carry the  
16 heavier truck and heavy-duty vehicle traffic.

17  
18 COUNCILMEMBER FLOREEN:  
19 Now, so, is it the--is it the gasoline formulation that is the, or the diesel/gasoline  
20 formulation that is of...of the most significant concern in this regard?

21  
22 RON WHITE:  
23 Well, diesel--

24  
25 COUNCILMEMBER FLOREEN:  
26 Some of the engines, we know, are old and need to be replaced and all that.

27  
28 RON WHITE:  
29 Right. Well, it is the diesel engines and the fuel. Fuel is getting cleaner. Diesel fuel is  
30 getting significantly cleaner under new federal regulations, and diesel--new diesel engines  
31 are substantially cleaner than old ones. The problem is that diesel engines on the road  
32 last for hundreds of thousands of miles, and they--in fact, it's not unusual to have diesel  
33 vehicles that run for half a million to three-quarters of a million miles or even a million  
34 miles, in terms of the life of these engines. So in terms of fleet turnover and the  
35 implementation of new engine technology in the fleets, that takes a--quite a long time. So  
36 the issue really is, what can we do in the meantime, and that's where this whole issue of  
37 retrofitting diesel trucks and buses with things like particulate traps comes into play. And  
38 particulate traps do reduce fine particle emissions substantially and actually do also  
39 control some of the ultrafine particles, as well, and so some areas of the country are  
40 actually looking at diesel initiatives to try and substantially increase the use of these

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1 retrofit devices, emission-control devices, on existing diesel vehicles to try and reduce  
2 these emissions. So that's a strategy that I think is certainly worth considering.

3  
4 COUNCILMEMBER FLOREEN:

5 We just approved in Committee yesterday some expenditures for diesel traps on our  
6 school buses. I'm not sure if they're as attentive to the finest particle elements to which  
7 you refer. Perhaps Mr. Orlin can check that out for us and also identify what authority we  
8 have under local law. We're a little constrained in terms of how we can address fuel issues  
9 and some of the vehicle solutions out there. How do the California standards, the CALEV  
10 standards, play into all of this? As you know, Maryland has--well, with the new  
11 administration, everything is changing as we speak, so...I'm sure you're sharing your  
12 information with the Obama administration, as well, with respect to these health issues  
13 associated with the fine--finest particulate matter. How does this play--how does a  
14 formulation issue with which you think we should be most concerned play into those  
15 standards? Maryland has joined forces with other states to adopt those. There's been  
16 litigation, and national policy is evolving, as I said, so hopefully that will become easier  
17 and not as hard as it's been in the past.

18  
19 RON WHITE:

20 Yeah, and I think--and again, I think looking into the future, vehicles are going to be  
21 substantially cleaner. Both passenger vehicles and heavy-duty vehicles are going to be  
22 substantially cleaner than what's on the road today and what has been on the road, you  
23 know, historically. The issue is, especially with heavy-duty trucks and vehicles, how  
24 quickly you're going to have the fleet turnover and how quickly you'll see the benefits of  
25 things like the California standards or the federal standards on heavy-duty trucks and  
26 buses which were adopted actually under the Clinton administration and have now just  
27 become into effect between 2007 and 2010. So these are--the engines and the vehicles  
28 that are rolling off the production lines today are substantially cleaner than what we've had  
29 in the past. The problem is that we're not seeing them in use in the numbers that we will  
30 need to see for quite some time because of this issue of fleet turnover. And certainly with  
31 the economic situation that we have right now, with people buying fewer new cars, with  
32 companies buying--not replacing trucks as they might have under better economic  
33 conditions, we can anticipate an even slower fleet turnover than we might have  
34 anticipated two or 3 years ago.

35  
36 COUNCILMEMBER FLOREEN:

37 Yeah, yeah. So we--so are you suggesting that the new federal standards that are finally  
38 kicking in will significantly reduce the concern that you've been sharing with us this  
39 morning?

40  
41 RON WHITE:



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1 I think eventually, down the road, it will certainly reduce it. I don't think it will eliminate  
2 those issues. You're still going to have emissions from those vehicles, so it won't be  
3 eliminated. It will be--certainly, the levels of pollution will be reduced, but you will still,  
4 especially for ultrafine particles, we still have a lot to learn about those particles. Some of  
5 those particles are actually generated through atmospheric chemistry, so it's actually not  
6 direct emissions under the tailpipes, but it's the organic compounds that are released by  
7 the roadway that then form very small particles. So it transforms from a gas to a particle  
8 through atmospheric chemistry. So even though we might be able to reduce the direct  
9 tailpipe emissions of some of these very small particles, we will have to think about the  
10 implications of some of these--what are called secondarily formed particles, as well.

11  
12 COUNCILMEMBER FLOREEN:

13 So are these--are these beyond the reach of the current standards, then, altogether--the  
14 PM standards that have recently been adopted along with the existing NOx and SOx  
15 standards? I'm getting into jargon here, and I don't mean to.

16  
17 RON WHITE:

18 Are you talking about air quality standards now?

19  
20 COUNCILMEMBER FLOREEN:

21 Yeah, yeah.

22  
23 RON WHITE:

24 So the particulate matter standards that were adopted about 3 years ago now, in 2006,  
25 actually address what's called PM 2.5, which is particles 2.5 microns in diameter.

26  
27 COUNCILMEMBER FLOREEN:

28 They're too big.

29  
30 RON WHITE:

31 So--well, included in those are the very small ultrafine particles.

32  
33 COUNCILMEMBER FLOREEN:

34 They are? Good.

35  
36 RON WHITE:

37 It's everything less than 2.5, so it's 2.5 all the way down to as far as you can measure. The  
38 bottom line is that it's a process in which you're assessing compliance by the weight or the  
39 mass of the particles. What's interesting about ultrafine particles is, what seems to be  
40 important is not the mass of the particles, but the number of particles. So particle number  
41 seems to be the way people are actually concerned now about exposure to ultrafine



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1 particles, because they don't weigh a lot because they're so small, but they have a lot of  
2 surface area, so that things can glam on to the side of the particles.

3  
4 COUNCILMEMBER FLOREEN:

5 OK, you're now getting into the really techno stuff that we'll leave for another day.

6  
7 RON WHITE:

8 I think--I think the bottom line, to answer your question, is that the new PM 2.5 standard  
9 won't solve an ultrafine particle problem. It will help reduce it.

10  
11 COUNCILMEMBER FLOREEN:

12 Reduce the threat. Yeah.

13  
14 RON WHITE:

15 It will help reduce it, but it's not going to solve the problem.

16  
17 COUNCILMEMBER FLOREEN:

18 OK.

19  
20 RON WHITE:

21 And it may be that down the road, the federal government will need to consider whether or  
22 not to set an air quality standard for ultrafine particles, if the evidence is convincing.

23  
24 COUNCILMEMBER FLOREEN:

25 OK. Thank you very much. And we will forward your information to the Metropolitan  
26 Washington Air Quality Committee, as well, and we may--you may be on the talk circuit.  
27 Thanks.

28  
29 RON WHITE:

30 OK. Thank you.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 Thank you, Councilmember Floreen. Councilmember Elrich.

34  
35 COUNCILMEMBER ELRICH:

36 Your presentation was very informative--a little scary, but pretty informative. I just want to  
37 sort of be clear on the line that Nancy was just pursuing. Compliance with the EPA  
38 standards right now does not assure healthy air, basically.

39  
40 RON WHITE:

41 You're talking about air quality standards?



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1  
2 COUNCILMEMBER ELRICH:

3 Yeah.  
4

5 RON WHITE:

6 It assures healthier air than we would have had before, and let me put it this way. Without  
7 getting into the issue of whether the current air quality standards are adequate to protect  
8 public health or not, which is a whole different issue in terms of what levels EPA selected  
9 to protect public--as being protective of public health, which--I actually was a part of that  
10 process, as well, for particulate matter, for the standards process, and unfortunately, EPA  
11 in some cases rejected the advice of their scientific advisers on the level of standards that  
12 they set, which is a whole other issue. That said, this whole issue of near-traffic exposures  
13 is not going to be solved completely by even compliance with federal air quality standards.  
14

15 COUNCILMEMBER ELRICH:

16 And if we have road siting decisions to make, we have the ability, or could have the ability,  
17 to assess what the impacts are going to be on nearby communities and schools?  
18

19 RON WHITE:

20 Yes, you do. I think the methodology is there. You know, information would have to be  
21 pulled together, assumptions have to be made when you do those calculations, but there  
22 is a way to assess what the potential impacts are on potentially exposed populations, let's  
23 say within 500 feet of a roadway.  
24

25 COUNCILMEMBER ERVIN:

26 And was that ability there two or 3 years ago, when the state was making decisions about  
27 the siting of the ICC? Could they have done a health impact study if they had chosen to?  
28

29 RON WHITE:

30 Sure.  
31

32 COUNCILMEMBER ELRICH:

33 And so the fact that they didn't was a voluntary decision on their part.  
34

35 RON WHITE:

36 Well, I'm not going to address their--you know, their motivations.  
37

38 COUNCILMEMBER ELRICH:

39 But it could have been done.  
40

41 RON WHITE:

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1 From my perspective, they could have made an assessment. Again, you have to make  
2 quite a number of assumptions and utilize the best data that you have available, but there  
3 is a protocol for doing that.

4  
5 COUNCILMEMBER ELRICH:

6 In terms of future planning, would you say it would be unwise to plan an intense node of  
7 development with increasing levels of congestion, increasing levels of traffic, and bringing  
8 the residences and the office buildings as close to the road as possible? Would that tend  
9 to be counterintuitive?

10  
11 RON WHITE:

12 It would be. I mean, I think what clearly needs to be thought through is this issue of--  
13 especially for sensitive use locations, but including residential locations, certainly, as well--  
14 you know, whether it makes sense to have those within close proximity to high traffic  
15 roadways. The concept of instituting buffer zones, I think, is certainly worth considering.  
16 The concept of at least trying to mitigate some of those exposures in existing locations is  
17 certainly worth exploring. So I think--you know, I've laid out a number of strategies that I  
18 think are worth the Council's consideration in terms of potential next steps to pursue.

19  
20 COUNCILMEMBER ELRICH:

21 And the substitute of transit for automobiles would, of course, be the--would lead to an  
22 outright reduction in this.

23  
24 RON WHITE:

25 Sure. I mean, certainly mode substitution in which people would be not driving and you'd  
26 be reducing vehicle miles traveled and mode substitution for goods, as well, so that we  
27 are reducing truck traffic, as well, would be worth--would certainly have a positive health  
28 outcome.

29  
30 COUNCILMEMBER ELRICH:

31 I for one would be very interested in looking at the steps taken in California to deal with  
32 siting issues. And I recognize that a lot of what we're dealing with now--if you were  
33 trivializing it, you'd say it's water over the dam. I mean, the Beltway is, for example, where  
34 the Beltway is. I-270 is where I-270 is, and we're not going to be able to change that, but it  
35 seems to be the least we could do going forward is to avoid making another set of  
36 mistakes now that we have the knowledge to avoid those mistakes. I mean, it's going to  
37 be very difficult to fit or retrofit entire neighborhoods that line these major arteries, but we  
38 ought to at least not replicate that problem going forward, and I'd be interested in looking  
39 at how we can adopt standards for roads and for building that minimize future impacts.  
40 And any help you could give us in doing that would be greatly appreciated.

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1 RON WHITE:

2 Sure.

4 COUNCIL PRESIDENT ANDREWS:

5 Thank you, Councilmember Elrich. Council Vice President Berliner.

7 COUNCIL VICE PRESIDENT BERLINER:

8 Thank you, Mr. White, for your contribution to our county's consideration of these issues.

9 They are important issues. I have a slightly off-the-wall question. When I--my experience  
10 of diesel is that there are some old cars, old diesel cars, and some old diesel trucks that  
11 when they spew, it is a hundred times, a thousand times worse than the normal diesel car  
12 or the normal diesel truck. Has there been any consideration to any--one, are you aware  
13 of whether or not states have any authority--and what I always imagined is, a policeman  
14 or someone literally pulling over a vehicle that is spewing in this manner and using health  
15 authority for that--as the basis upon which to do so. Are you aware of any authority that  
16 vests in states or local governments to literally take off the road and require retrofit those  
17 diesel emitters that disproportionately cause harm to the environment?

19 RON WHITE:

20 I'm not aware of that, but that doesn't mean that it doesn't exist. I mean, I know that in  
21 terms of the--there is such things as diesel inspection maintenance programs. Diesel cars  
22 typically are not required to go through inspection maintenance programs, but there are  
23 programs in certain parts of the country where they have at least, on an exploratory basis,  
24 looked at "diesel I and M," and that's certainly something that, you know, that could be  
25 considered in terms of making sure that diesel trucks and buses that are on the road are  
26 meeting at least the required standards. The bottom line is that I know that you're  
27 absolutely right, is that there are high-emitting diesel trucks and vehicles on the road, and  
28 they are a significant contributor to the air pollution problem. There are also high-emitting  
29 non-diesel vehicles, as well, and they also are significant contributors and, again, need to  
30 be identified and taken off the road. So those are significant issues, and I think a strategy  
31 of going after high emitters-- and I think I mentioned high emitters as an issue.

33 COUNCIL VICE PRESIDENT BERLINER:

34 You did. I did note that. I just didn't know what the strategy was for getting those vehicles  
35 off the road and what the authority is for jurisdictions like ourself to effectuate that.

37 RON WHITE:

38 Yeah. It's been a while since I've looked at the literature on I and M, and so I could  
39 certainly look at it and also work with Dr. Orlin on that.

41 COUNCIL VICE PRESIDENT BERLINER:

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1 I for one would appreciate that. Thank you, sir.

2  
3 COUNCIL PRESIDENT ANDREWS:

4 Thank you, Council Vice President. And I just-- a couple of closing thoughts. First, thank  
5 you very much for the good work and for putting these issues in a clear way before us. It  
6 seems to me, two things--one is that the cost of effectively mitigating the public health risk  
7 of projects, whether they're highways or other construction projects, should be factored  
8 into the cost of the project, as we factor in noise walls, as we factor in stream water  
9 protection. I think it's important also, so that the cost isn't externalized and socialized, that  
10 we factor it into the cost of the project as part of it and have that to evaluate as one of the  
11 factors in terms of whether it should be built or not. And second, in terms of siting  
12 decisions, that's a clear potential outcome of this--siting decisions in terms of schools,  
13 homes, and other facilities that may have many vulnerable people in terms of lung  
14 development. As California has moved along that way and perhaps some other places--  
15 and I'd like to know if there are other initiatives that are along those lines--I think that's  
16 something that we need to follow up on here, to look at how will this affect our decisions.  
17 Now that we, you know, have a very credible body of scientific information about the  
18 negative impact on lung development of children of living close to a highway, within 500  
19 meters of a highway, what do we do about it, for moving forward? How does that affect  
20 our land-use decisions? And I think that now is squarely before us, and we need to  
21 grapple with it as a Council, and this is the first step along that way. So I thank you, and I  
22 have--I think that is it. No other lights at this point? OK. I thank Councilmember  
23 Trachtenberg for her initiative in putting this before us. Thank you very much for taking so  
24 much time to be with us, and we'll probably have some follow-up questions. I hope you  
25 don't mind if we continue to avail ourselves of your expertise.

26  
27 RON WHITE:

28 No, it's my pleasure. Thank you.

29  
30 COUNCIL PRESIDENT ANDREWS:

31 And, Councilmember Trachtenberg, the last word?

32  
33 COUNCILMEMBER TRACHTENBERG:

34 I actually just wanted to thank the Council President for scheduling it--very much.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 Thank you. OK. Thank you very much, Mr. White.

38  
39 RON WHITE:

40 Thank you.

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1 COUNCIL PRESIDENT ANDREWS:  
2 And thank you, Mr. Orlin, for coordinating this presentation, too. All right. We are--we've  
3 had some shuttle diplomacy in the last hour or so, and in terms of the previous subject  
4 which we talked about, the Fire and Rescue Commission issue, I think that we are forging  
5 a good compromise here, and the intention is to come back to the issue after the public  
6 hearing this afternoon with some language that I hope we can get very strong support for.  
7 So we're going to proceed in that way on that, and now we need to break for our  
8 assignment--our appointment with the photographer as a group, and then after that we  
9 have our informal brown bag luncheon at 12:15 where we can bring up any and all  
10 subjects, but there's no set agenda. So--and then we'll be back here after that at 1:30 for  
11 public hearings. Thank you all.

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TRANSCRIPT

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MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Phil Andrews, President

Councilmember Roger Berliner, Vice President

Councilmember Marc Elrich

Councilmember Valerie Ervin

Councilmember Nancy Floreen

Councilmember Michael Knapp

Councilmember George Leventhal

Councilmember Duchy Trachtenberg

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1 COUNCIL PRESIDENT ANDREWS:

2 Good afternoon, everybody, and welcome to our public hearings and the rest of our  
3 session. We're going to start the afternoon with two public hearings, one on the Expedited  
4 Bill 6-09, the Home Energy Loan Program, and then on the Schools and Camps Bill, 7-09,  
5 Workforce Investment Scholarship. The first bill is a public hearing. The first hearing is on  
6 Expedited Bill 6-09, Home Energy Loan Program, establishment that would establish a  
7 home energy loan program to assist single-family homeowners to make an energy  
8 efficiency improvement or install a renewable energy device, establish a revolving loan  
9 fund to provide homeowners loans under the program, and generally amend the  
10 Environmental Sustainability Law. Persons wishing to submit additional material for the  
11 Council's consideration should do so before the close of business today, Tuesday, March  
12 24. A Transportation, Infrastructure, Energy and Environment Committee worksession is  
13 tentatively scheduled for this Thursday, March 26 at 3 o'clock. Please call (240) 777-7900  
14 for information, and if you are speaking, please, before beginning your presentation, press  
15 the button, state your name clearly for the record, and you'll note that there's a green light  
16 on when you start in front of you. At 30 seconds to go--you'll have three minutes. 30  
17 seconds left, the yellow light will come on, and then when the red light starts blinking, your  
18 time has expired, and if you're still talking, please finish your sentence and conclude.  
19 We're going to call people up in two panels. Please remain at the table until the entire  
20 panel has testified. There may be questions from councilmembers. And our first panel will  
21 be Stan Edwards, representing the County Executive; David Hauck, representing the  
22 Sierra Club; Joseph Himali, representing the Greater Capital Area Association of Realtors;  
23 Rich Thometz, representing Efficient Home; and Gary Skulnik, representing Clean  
24 Currents. We have limited--I have limited the number of speakers today to 10, which is  
25 normally as many as we will have ever at an afternoon hearing, but I know that there are  
26 some additional folks that want to testify. We welcome their written testimony. Certainly,  
27 we'll read it and appreciate their interest in being here to testify personally as well. And if  
28 you're in the audience, thank you for your interest. So, Stan Edwards will be our first  
29 speaker, representing the County Executive. And is he not here?

31 COUNCIL VICE PRESIDENT BERLINER:

32 Yes, there was some confusion.  
33

34 COUNCIL PRESIDENT ANDREWS:

35 Oh, really? Ok. All right. Well, we'll continue forward, and assuming that he finds his way  
36 down here, we will bring him up to the dais. David Hauck, then, of the Sierra Club, you will  
37 lead us off please. Let's see. Actually, Mr. Hauck, since Mr. Edwards is here, we'll go in  
38 the same order, and I'll give you a chance to, on the mics. Ok, Mr. Edwards, welcome,  
39 and you're representing the County Executive today, right? Ok, all right. And as is the  
40 case with all of the speakers, everyone has three minutes.  
41



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1  
2  
3 STAN EDWARDS:

4 I apologize for being late. I didn't realize we had moved to the third floor.

5  
6 COUNCIL PRESIDENT ANDREWS:

7 That's all right.  
8  
9  
10

11 STAN EDWARDS:

12 Good afternoon. My name is Stan Edwards. I'm chief of the Division of Environmental  
13 Policy and Compliance in the Department of Environmental Protection. Thank you for the  
14 opportunity to testify on behalf of the County Executive on Expedited Bill 6-09, to establish  
15 the Home Energy Loan Program. In January, the Sustainability Working Group submitted  
16 the county's first comprehensive climate protection plan to the County Executive and the  
17 County Council. This plan identified 58 different actions that the county could take to meet  
18 its aggressive greenhouse gas reduction goals. Among the most prominent of these  
19 recommendations was one championed by Councilmember Roger Berliner, the County  
20 Council representative to the Working Group, which called for the establishment of a long-  
21 term, low-interest loan program that would facilitate the implementation of energy  
22 efficiency measures on existing homes. Expedited Bill 6-09 is the first step towards  
23 implementation of this recommendation. The County Executive strongly supports the  
24 principle of this legislation. Improving the energy efficiency of existing homes and other  
25 buildings in the county is critically important if we are going to meet our greenhouse gas  
26 reduction goals. While there are a broad range of energy efficiency measures that would  
27 eventually provide a positive payback to homeowners, the initial cost of many of these  
28 measures makes their implementation cost prohibitive to the majority of residents. This  
29 program will address that hurdle by advancing funds to homeowners to implement  
30 efficiency measures identified through a comprehensive energy audit. The proper  
31 application of such measures can result in energy cost savings equal to, or even greater  
32 than, the cost of loan repayments envisioned under this program. Careful and thoughtful  
33 implementation of the Home Energy Loan Program will ultimately be the key to its  
34 success. The Department of Environmental Protection and the Department of Finance  
35 have already begun to identify some of the issues that must be resolved to achieve this.  
36 Among these are the process for identifying and certifying firms capable of performing  
37 energy audits, energy efficiency improvements, and post-insulation verification, the loan  
38 application process and the disbursement of funds under the loan program, the  
39 parameters of the loans, including minimum and maximum loan amounts, and loan terms  
40 and conditions, and the source of funding for the program. We are in the process of  
41 contacting other jurisdictions around the country that have implemented, or are in the



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1 process of implementing, a similar program. The experiences of these of jurisdictions  
2 should help guide Montgomery County as we implement our program. As we conclude  
3 this research, we will be in a better position to suggest an appropriate timeframe for the  
4 development of executive regulations implementing the bill. The County Executive  
5 believes the three-month timeframe currently specified in the legislation is insufficient to  
6 adequately address the issues identified above. In addition, it will be important to identify  
7 staffing needs that will be necessary to successfully carry out the program. The level of  
8 staff required will depend on a number of factors, including the degree of oversight the  
9 County wishes to have on the program. This, in turn, will have an impact on the  
10 administrative cost that must be borne by homeowners receiving a loan, which will  
11 ultimately impact the penetration rate of the program. The County Executive looks forward  
12 to working with the Transportation and Environment Committee as this legislation is  
13 finalized. I would be happy to address any questions the Council may have. Thank you.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you, Mr. Edwards. Our next speaker is Mr. Hauck from the Sierra Club.

17  
18 DAVID HAUCK:

19 Good afternoon. My name is David Hauck, and I am the chair of the Sierra Club's  
20 Montgomery County Group, and I am pleased to offer our strong support to this bill that  
21 would establish a Home Energy Loan Program for Montgomery County homeowners. A  
22 similar program was launched in the fall of 2008 by the town of Babylon, New York, which  
23 has this very nice brochure, which I'll share with you, and the Sierra Club in Long Island  
24 was also involved in working with the town of Babylon. That program now permits--the  
25 town's 220,000 residents can now finance up to \$12,000 worth of energy efficiency  
26 improvements through the town, and repay it through a monthly benefit assessment fee.  
27 As of January of this year, 57 homeowners had borrowed an average of \$6,800 to make  
28 energy efficient retrofits, which are projected to save an average of over \$900 a year. So  
29 there is a precedent for this, and many other areas around the country, which Stan  
30 alluded to, are also working on the same types of programs. There are several features of  
31 the HELP Bill that the Sierra Club feels are critical to the success of the program. The first  
32 is that a home energy audit be conducted by a certified auditor before loan funds are  
33 dispersed. It makes a great deal of sense. A properly done audit identifies specific energy  
34 efficiency measures that most homeowners overlook, such as air leakage, and suggests  
35 cost-effective ways to correct them. It also gives a homeowner an estimate of how much  
36 energy, and therefore how much money, a package of retrofit actions is likely to save.  
37 Secondly, we also support rolling the cost of the audit into the loan amount that pays for  
38 the energy efficiency retrofits. This does two things. It provides an incentive to actually do  
39 the retrofits that are identified by the audit, and it spreads the cost of the energy audit over  
40 the 15-year life of the loan. The bill's requirement that the Department of Permitting  
41 Services, or an entity it chooses, certify that all improvements and devices have been



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1 installed properly, is also incredibly important, for reasons that go beyond preventing  
2 fraud. It will help to ensure that contractors don't cut corners, but more importantly, it will  
3 ensure that homeowners actually get the energy savings they expect. The worst thing that  
4 could happen to this loan program would be if participants do not get significant energy  
5 savings because the energy efficiency retrofits were done poorly. Finally, the HELP Bill  
6 properly requires homeowners to tackle energy efficiency first, before adding renewable  
7 energy devices. Dollar for dollar, investments in energy efficiency in existing homes result  
8 in greater reductions of greenhouse gas emissions than comparable investments in  
9 renewable energy devices. So, I'd be happy to answer questions at the end, but thank you  
10 very much, and we applaud this bill.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Thank you, Mr. Hauck. Our next speaker is Mr. Himali.

14  
15 JOSEPH HIMALI:

16 Good afternoon, Council President Andrews and members of the Council. My name is Joe  
17 Himali, and I am the 2009 president for the Greater Capital Area Association of Realtors.  
18 We are the voice of close to 8,000 realtors and other real estate professionals in  
19 Montgomery County and the District of Columbia. Before I go on with my written  
20 testimony, I wanted to just tell you a very brief anecdote. Yesterday, while I was out  
21 showing properties with one of my clients, we looked at two homes, one on Hazelwood  
22 Road right beside Suburban Hospital, and another one in AU Park in D.C. And in between  
23 the two, we started in D.C. We drove out, and as we were driving out, I explained to him  
24 that I was going to be here today, testifying. And they asked what it was about, and I told  
25 them about the program. And they said, "Oh, wow, that's really great, because the house  
26 we looked at in D.C. needs work, and the house we were looking at up here needs work  
27 as well." And when we went and looked at the one up there, they looked around the house  
28 and they said, "Would this house qualify for what this program is about?" And I said, "Yes.  
29 This is exactly what it's about." And these particular buyers have very little cash to bring  
30 in. This program is exactly what they need, and I thought you'd like to know that a real life  
31 example of what's going on. And they were actually, because of that, we are now looking  
32 at writing an offer on the one in Montgomery County. So, that's what this bill will achieve.  
33 We strongly support this bill, because we see the HELP program as a way for  
34 homeowners, on a voluntary basis, to take advantage of the cost effective ways for them  
35 to make energy efficient improvements to their home. We believe this legislation is  
36 extremely important because it will not only benefit homeowners by being able to reduce  
37 their utility bills, but more importantly, it will increase the number of resale homes in  
38 Montgomery County, as the example that I just gave you. GCAAR has also worked with  
39 Myers Research and Strategic Services and American Strategies, Inc., to conduct a poll  
40 on the HELP program. We literally got the numbers this morning. They designed and  
41 administered the poll to the nearly 500 adults, 18 years and older in Montgomery County.

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1 The exact details of what it was are spelled out here. But the highlights of the survey are  
2 as follows. Three-quarters of the Montgomery County residents favor the Home Energy  
3 Loan Program, with nearly half--that's 46%--strongly in favor. Even more importantly, 4 in  
4 10 homeowners say that they are interested in participating in the program, and after  
5 hearing more about the information in the program, an additional 7% said that they were  
6 more interested in participating. Residents are equally strong in their opinion that the  
7 HELP program should be voluntary. Just 24% of the program said it should be-- excuse  
8 me--24% said it should be mandatory, with 72%--that's an overwhelming majority--  
9 agreeing that it should be voluntary. For lack of cost to the taxpayers and to the County is  
10 one of the most attractive elements in the program. County residents are also persuaded  
11 that if the program were adapted it would have real effects, and almost 48% said it is very  
12 likely the homeowners would save money on their utility bills. Nearly as many believe it  
13 will create jobs. The resale value of homes that participate in the HELP program will  
14 increase, and one-third believe that it will increase the value of homes immediately. The  
15 HELP program would reduce the carbon footprint in Montgomery County. There are three  
16 suggestions that we have. First, making sure that the items--oops. I'm sorry, I'm out of  
17 time. I can answer your concerns when you get back to questions.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 Thank you, Mr. Himali. Mr. Thometz.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 That's fine. Ok.

24  
25 RICHARD THOMETZ:

26 Hi. Ok, there we go.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 You got it.

30  
31 RICH THOMETZ:

32 Hi, my name is Rich Thometz.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 Thometz?

36  
37 RICH THOMETZ:

38 Thometz. Any of that's fine. We're a "Hooked on Phonics" family anyways. So it's all good.  
39 My name is Rich Thometz. I co-own and operate an energy efficiency services firm in  
40 Burtonsville called Efficient Home. We've been in operation since 2007 as a business that  
41 helps Montgomery County and regional residents and households lower their power bills

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1 through finding cost-effective ways to do energy efficiency improvements. We have  
2 developed our business model based on the Maryland Home Performance With ENERGY  
3 STAR business model. A representative of SENTECH is here, Asa Foss, I noticed. They  
4 have implemented that program through the Maryland Energy Administration to develop a  
5 whole contractor base in the state that does energy efficiency audits and improvements  
6 based on a set protocol. Our business goal is to find cost-effective ways to help  
7 Montgomery County residents cut their power bills. Two years ago, we actually saw in the  
8 fringe area, where BG&E was proposing rate increases that were huge, a fundamental  
9 need that individuals in households weren't going to be able to pay for these huge  
10 increases. And dropping into the economy, the downward slope in the economy, has only  
11 proven that out. We're a certified home performance with ENERGY STAR contractor. We  
12 perform all of our audits based on the protocols that are administered by MEA. We're an  
13 active participant in both weatherization assistance programs throughout the state for  
14 lower income residents. We feel passionately that low income residents actually need the  
15 most help during a down economy. We also participated in the pilot Assisted Home  
16 Performance program through the Maryland Energy Administration, which helps out  
17 families of moderate income levels, including in Montgomery County. Senior citizens, I  
18 would point out, on fixed incomes are in particular need for help. They have fixed  
19 incomes. When their power bill goes up \$100, \$200, or \$300 a month, there's nowhere for  
20 them to turn. If they don't have the cash for energy efficiency improvements, it's a very  
21 difficult challenge for them to overcome rising bills. What I think has happened in the last  
22 18 months is a perfect storm. It's a perfect storm of rate increases through utilities and the  
23 energy commodities cost, offset by a complete disintegration of the financing market and  
24 the home equity line market, which would have traditionally have funded these kinds of  
25 improvements. We struggled for the past year to year-and-a-half to pursue and advocate  
26 for other alternative financing arrangements for those that don't necessarily have the  
27 upfront cash means to do energy efficiency improvements, in particular for improvements  
28 that will pay for themselves over time, if there can be a vehicle for paying for those  
29 improvements. We think that the solution is very simple. It's a HELP program that bridges  
30 energy efficiency improvements that'll pay for themselves with financing that's done under  
31 strict protocols. This program, we think, lays out all the basics of a structure that is very  
32 successfully implemented. Like this, in Pennsylvania, the Pennsylvania Keystone HELP  
33 program. Other models throughout the United States have various aspects that have been  
34 implemented already. There are strict protocols in place under this kind of a program to  
35 ensure that the integrity of the program. We wholeheartedly support the bill. I have three  
36 suggested modifications.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 We're going to have to read those. Your time is up, but we will read them carefully, and  
40 there may be questions as well.



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1 RICH THOMETZ:

2 Ok. Great. Thank you.

4 COUNCIL PRESIDENT ANDREWS:

5 Thank you very much, Mr. Thometz. Mr. Skulnik.

7 GARY SKULNIK:

8 Thank you. My name is Gary Skulnik. I am the president and co-founder of Clean  
9 Currents. We are a Rockville-based, green energy solutions company located about two  
10 blocks north of here. First, I do want to commend Councilmember Berliner and the other  
11 councilmembers who have signed on to this extremely important piece of legislation. For  
12 all the reason you've already heard, this bill is a very important and much needed bill. But  
13 I want to take a little time to address the concerns of Clean Currents, as well as the  
14 concerns of Standard Solar, another Montgomery County-based solar energy business,  
15 based in Gaithersburg, as well as the Maryland chapter of the Solar Energy Industries  
16 Association, of which I sit on the board. We believe that the bill does not give a level  
17 playing field for solar energy, and we have a suggested amendment that would do so.  
18 Currently, the bill requires a homeowner to either have a HERS Score of 100 or below, or  
19 do energy efficiency improvements that result in a 30% or greater improvement, in order  
20 to qualify for a loan for renewable energy. These requirements, we believe, are far too  
21 draconian and put major obstacles in the way of solar or other clean energy installations.  
22 Instead, clean energy should be given a level playing field. It's ok to require a homeowner  
23 to get an energy audit within a given timeframe before installing or after installing a solar  
24 system, but major energy efficiency improvements, like the bill calls for, I don't think it's a  
25 good system. For one, it's going to put a big obstacle in our business and our ability to get  
26 people to put solar on their homes. It's going to actually discourage solar installations in  
27 Montgomery County by putting an added cost on it, and perhaps even worse, added time  
28 in front of a prospective buyer if they have to go out and find a HERS rater and get all the  
29 energy work done. Second, some energy efficiency experts will tell you that achieving a  
30 30% reduction in energy at a home is no easy task, especially if the home is already  
31 somewhat energy efficient. Also, energy efficient does not need, energy efficiency does  
32 not need extra help to compete with solar. It's typically a lower-cost investment for a  
33 homeowner to do an energy efficiency upgrade than it is to do a solar system. We think  
34 energy efficiency can compete with solar very easily. Another part of the bill, real quick, I  
35 have an amendment for is to, on the energy efficiency audit thing, I've got it in writing. One  
36 final note I will say is also that I think you should, well, we believe you should open this up  
37 for private financing. That way you will have far more money available and you won't have  
38 a competition between solar and efficiency, and you won't have a fiscal note for the  
39 County, which we all know is extremely important at this time. Thank you.

41 COUNCIL PRESIDENT ANDREWS:



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1 Thank you, Mr. Skulnik. And thank you all. There's a question or comment from Council  
2 Vice President Berliner, that sponsored the legislation.

3  
4 COUNCIL VICE PRESIDENT BERLINER:

5 Thank you, Mr. President. Let me, one, thank all of the witnesses before us. I do look  
6 forward to hearing the specifics from the County Executive with respect to this. This  
7 legislation obviously was shared with you weeks before it was introduced in order to  
8 ensure that we had all your input with respect to this matter, and we are going to be  
9 moving forward quickly with respect to this bill, as you've been advised. So I do hope that  
10 you will get us your specific recommendations with respect to this, and how much of those  
11 recommendations, yes, we are going, actually, yeah, on Thursday afternoon, we are  
12 moving to worksession with respect to this. And my hope is that the committee will feel  
13 comfortable moving forward very quickly with respect to this. My hope is that the council  
14 will take this matter up the day before Earth Day. So I am shooting for an April 21 council  
15 action, and I urge you to give us your best recommendations as soon as possible with  
16 respect to these matters, and to identify those matters that need to be part, addressed in  
17 our legislation, and those matters that could be addressed in the regulatory, in regulations  
18 that we will be requesting you to provide. Let me turn first to Mr. Skulnik and make an  
19 observation with respect to your comments. One, I see Mr. Lowenthal in the room, and I  
20 was privileged not too long ago to be given a Solar Champion Award. So, it is painful to  
21 hear the observations that you have, but I will, and I do believe that we need to address  
22 the issue of just how much more energy efficient a home should be as a predicate to  
23 being eligible for these dollars. But I will say to you, on the fundamental premise, as to  
24 whether or not scarce resources, which you observed, they are scarce resources, should  
25 be spent on solar ahead of, or contemporaneous with, energy efficiency. You and I may  
26 disagree with respect to that. I believe it is, as our Sierra Club representative observed,  
27 beyond debate that energy efficiency is the most cost-effective way in which we can  
28 proceed in a context of limited resources. It is incumbent upon our County to take and to  
29 use our dollars in the most cost-effective way. And I would say to you that based on our  
30 calculations, the federal, state, and local dollars, tax credit dollars, that are available now  
31 for solar, on an average solar installation, is approximately \$30,000, as a fair number for  
32 an average solar installation. And of that, 19 of it currently is covered by tax credits. So  
33 what is the residual amount that would be in effect eligible for this program would be the  
34 \$11,000, and from my perspective, it is certainly appropriate for us to say, as a matter of  
35 public policy, that prior to putting on solar, or getting additional dollars from the County for  
36 a solar installation, your home should be energy efficient first. As to how one measures  
37 that, how energy efficient it should be, I think, is a matter of debate and something that we  
38 should look at carefully. But if you'd care to respond to that general premise behind that  
39 requirement, I'm happy to have you do so in this moment.

40  
41 GARY SKULNIK:



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1 Sure. Thank you. I would like to observe that energy efficiency improvements also receive  
2 federal and local tax credits. I know that because I've done it at my own home and been  
3 the recipient. So, both energy efficiency and solar do receive tax credits on, you know, on  
4 a ongoing basis. I do think requiring an energy audit is certainly a reasonable thing to do,  
5 and we would tell every one of our customers, as I'm sure would Standard Solar, that  
6 once you get that audit, and you see all the great cost savings you can have, you should  
7 go ahead and do some improvements. What we're saying, though, is, give the customer  
8 the choice of what they want to do. If a customer wants to put solar on their house, we  
9 shouldn't put obstacles in their way. I have a feeling a lot of customers are going to want  
10 to do energy efficiency first, because it is far cheaper to do. But we're saying that the  
11 decision should not be made here on which one goes first. Let the homeowners make the  
12 decision on what they would like to do, and, you know, some might choose solar and  
13 some might choose efficiency. Some might do both.

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 Let me turn to our representative from the capital, the realtors, and you had indicated you  
17 had a couple of suggestions for us. We see it in your testimony, but if you wanted the  
18 opportunity to quickly summarize it, we'd love to hear from you.

19  
20 JOSEPH HIMALI:

21 I really appreciate that. Thank you very much. Just three very quick points. One is, would  
22 the items fall and fit under the--excuse me. What items would fall and fit under the other  
23 category? Would this be something that could fit under subsection 2 to 4 in the heating  
24 and cooling system? So, you mentioned roofing and roofing materials. That's what I'm  
25 referring to. Would those items fall under the heating and cooling system? Second, we'd  
26 like to make a definition--help with the definition of single-family home. In particular, would  
27 that also, we see it applies to single-family homes, townhomes, and condos, and  
28 townhome-condos, but would it also apply to multi-family residences that are not  
29 condominium ownership? That's something that we need to have clarified, because  
30 obviously it would be beneficial that multi-family residences that are not condominiums  
31 also be covered. And third and final, we are requesting that the six-month period for the  
32 improvements be changed to 12 months. As I'm sure you can imagine, there may be  
33 times where there would be weather issues or other issues that come up that prevent the  
34 work from being completed within a six-month period, and we would suggest that you  
35 change that to 12 months in order to accommodate those delays that are inevitable in a  
36 construction project. Thank you.

37  
38 COUNCIL VICE PRESIDENT BERLINER:

39 Thank you, sir. And, Mr. Thometz, you also had some brief--if you could summarize briefly  
40 your recommendations with respect to the changes you are seeking.





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1 RICH THOMETZ:

2 Thank you. The suggestions are really just to have a--to consider an iteration or a  
3 dialogue between members of the home performance industry, DEP, maybe the  
4 weatherization office. Those that have been involved in inspections in home energy  
5 efficiency improvements, to look at what the best model would be for efficient  
6 administration of the certifications and installation confirmation to ensure program  
7 integrity. QAQC, Quality Assurance, Quality Control and assurance processes that test  
8 out afterwards and ensure that it was installed correctly and that it's getting the correct  
9 energy efficiency savings. But those sometimes are done with private, third-party vendors.  
10 Our firm is an example. If we were doing, we would want to be doing a lot of the energy  
11 efficiency improvements, so we would not qualify to do those. It would have be, the  
12 integrity would require it to be a third party vendor, but there are a lot of third-party  
13 vendors that do just that for local and state agencies. DHCD administers the  
14 weatherization program and does QAQC for the local counties, as an example. The  
15 Assisted Home Performance Program, SENTECH administers through MEA, and so there  
16 are ways, I think, of looking at what the best balancing act would be on inspection  
17 certifications and QAQC to keep the cost low and have an efficient administration of the  
18 program. And again, I think the Pennsylvania Keystone HELP program may have some  
19 pretty good efficient examples of how that might be best done. I forgot to mention, by the  
20 way, the workforce development benefits of this as well. As you all know, I'm a member of  
21 the building industry. This is really great to me to have a portion of the idle resources of  
22 the building industry redirected and redeployed towards energy efficiency work. It's just a  
23 perfect match. And I didn't get to that. So, thank you.

24  
25 COUNCIL VICE PRESIDENT BERLINER:

26 And I'm glad I gave you the time. Thanks.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 Thank you, Council Vice President Berliner. Councilmember Leventhal.

30  
31 COUNCILMEMBER LEVENTHAL:

32 Since Amanda Mihill is sitting here, I am assuming that she, Amanda, that you're going to  
33 write up the packet for Thursday's Committee session, so I just want to please request  
34 that each of these items, these suggestions for language are dealt with, so that we can go  
35 through them in the packet. I heard the exchange between Councilmember Berliner and  
36 Mr. Skulnik, and Mr. Berliner has strong views on this. I'm happy to be a co-sponsor of this  
37 bill. I think it's an excellent bill. I was not, listening to this exchange, I'm not certain where I  
38 would come out in Committee, so I want to make sure that the packet gives Committee  
39 members the opportunity thoughtfully to take up each of these suggestions for  
40 improvements to the program, but we all acknowledge the creativity. It's a great idea, and  
41 I'm happy to support the concept.



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1  
2 COUNCIL PRESIDENT ANDREWS:

3 Thank you, Councilmember Leventhal. Councilmember Floreen.  
4

5 COUNCILMEMBER FLOREEN:

6 Yes, thank you. We are moving rapidly on this, so, Mr. Thometz, did you give us  
7 something in writing? Ok. It just skipped my desk here. But if you can make sure that  
8 Amanda has that, as well as, Mr. Edwards, you'll have some comments momentarily that  
9 we can work through?  
10  
11  
12

13 STAN EDWARDS:

14 Yeah, we provided a number of comments to Amanda, and she's worked some of them  
15 into the legislation. Our primary concern is the development of the regulations. And  
16 appropriately, the legislation leaves a lot to the development of the regulations.  
17

18 COUNCILMEMBER FLOREEN:

19 Well, that's ok. STAN EDWARD:

20 And that, I just want to caution the Council that that's not a three-month process, based on  
21 what we've discovered in looking at the bill. So...  
22

23 COUNCILMEMBER FLOREEN:

24 Sure.  
25  
26  
27

28 STAN EDWARDS:

29 And as I said in the testimony, we're talking to these other jurisdictions, trying to get an  
30 idea of their timeframe, but, you've heard a couple things here about working with the  
31 industry on processes for this, and we just want to make sure that we proceed quickly but  
32 appropriately to make sure when the program is launched, we're able to launch it  
33 effectively. There also is a financial aspect, which I'm not smart enough to speak to, that  
34 Jennifer Barrett and her folks in finance will certainly speak to.  
35

36 COUNCILMEMBER FLOREEN:

37 Uh, yes. Well, we have Representative Chris Van Hollen's office here today. I'm sure they  
38 are about to deliver the check to us. But, um, yeah, yeah. I just want to emphasize, you  
39 know, please bring all your thoughts and ideas to us. I know that certainly within the  
40 Council of Government's area, the other jurisdictions are real interested in this and no  
41 doubt will be copying us, so maybe we should get them to pay, too. But in any event, let's



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1 put our heads together so we can get the best number of corrections, clarifications,  
2 whatnot, what goes in the bill, what goes in regulations, resolved as best we can on  
3 Thursday. And Amanda is the woman to direct your comments to, because Amanda is just  
4 looking forward to spending all of tomorrow on this. Right, Amanda? Yes indeed. Thanks.

5  
6 COUNCIL PRESIDENT ANDREWS:

7 OK, thanks, Councilmember Floreen. As was referenced, Joan Kleinman, who's the  
8 district director for Councilmember Van Hollen--Congressman Van Hollen, I'm sorry--is  
9 here today in the audience. And I know that Council Vice President Berliner has been  
10 working closely with the Congressman on this idea that was worked into the stimulus  
11 package, and so thank you for the follow-up in being here today. Councilmember Ervin?

12  
13 COUNCILMEMBER ERVIN:

14 Thank you very much. I'm a co-sponsor of this legislation, and I'd like to congratulate  
15 Councilmember Berliner for all of his hard work in this area. And I listened very carefully to  
16 all of the comments made, so far, today. I want to talk to--speak to the Sierra Club's  
17 recommendations and some of the things that you say in here, David, which I completely  
18 agree with. And one of them is I listened to the County Executive person who's at the  
19 table who said that this will take several months in regulation. So my concern really is  
20 what we end up with. This is a great bill, but how we get it implemented is what is most  
21 important to me right now. And I want to ask a question about the town of Babylon on  
22 Long Island because I'm very intrigued at how Babylon's residents were able to finance  
23 this through the town. And I'm hoping that you're going to be able to bring a lot more  
24 information to the table, especially as we take this up in the T&E committee. I'm really  
25 interested in that. The district that I represent, about 40% of those residents live in multi-  
26 family units. And Councilmember Berliner and I have been talking for months now about  
27 how we can approach those families who do not own homes but whose electric bills and  
28 gas bills are controlled by the owners of the buildings. That's number one. And number 2,  
29 I'm dealing with a lot of families who live in very old homes, older World War II and pre-  
30 World War II homes, that many of whom have never had an energy audit because they  
31 can't afford to pay for one. So this group of County residents I think really we need to pay  
32 close attention to in terms of how those families are going to afford to finance anything,  
33 especially now. So I'm wondering, David, if you could speak a little bit to what your  
34 information here is about the town of Babylon on Long Island.

35  
36 DAVID HAUCK:

37 OK. The town of Babylon is not exactly analogous to the HELP bill. They got a little  
38 creative. They expanded their definition of solid waste to include carbon dioxide  
39 emissions. This opened up their solid waste fund to be used as the financing arm. And  
40 since they have this--they have a monthly bill that they send to residents for benefit  
41 assessments. So the energy- efficient retrofits that a resident makes using money from

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1 the solid waste fund, that's a benefit assessment, is what they pay each month to repay  
2 back into the solid waste fund. So in a way, generally it's analogous to what's in this bill,  
3 but I'm sure lawyers would say there's all kinds of differences. But what's important I think  
4 is the way they administer the program and also the savings that they've gotten per dollar  
5 invested. So I think this is kind of a real world example. And the savings are very much in  
6 line with things that we've seen with Maryland home performance with Energy Star.  
7 Typically it's like a 7- or 8-year payback period for energy efficient. So this is just another  
8 example that says what's happening in Maryland is also happening in Long Island--a  
9 similar age housing stock in Babylon. Did that--

10  
11 COUNCILMEMBER ERVIN:

12 No, that's very helpful. And the person who's representing GCAAR, you said some very  
13 interesting things in your testimony also about multi-family units, if you want to expound  
14 on that a little.

15  
16 JOSEPH HIMALI:

17 Our concern is that we want to make sure that this bill will apply to folks that have a multi-  
18 family residence that is not a condominium or a townhouse condominium. We want to  
19 make sure that it's expanded to included those folks. And since the bill doesn't specifically  
20 address that, we want to make sure that that's clarified.

21  
22 COUNCILMEMBER ERVIN:

23 Well, I would hope that Councilmember Berliner would be open to some suggestions to do  
24 that. Because I think that, at its very core, is what we're trying to do here at the end of the  
25 day. So hopefully we'll hear a little bit more from you.

26  
27 JOSEPH HIMALI:

28 I promise you you'll be hearing more from us.

29  
30 COUNCILMEMBER ERVIN:

31 Thank you. David had a comment.

32  
33 DAVID HAUCK:

34 There was a second question about the--paying the cost of the home energy audit. There  
35 has been some discussion about, do you finance the home energy audit and then finance  
36 the retrofits? And the problem that has to be borne in mind is a lot more energy audits are  
37 performed than work performed. And as we say, if you do an energy audit and stop there,  
38 you haven't saved any energy at all. You haven't removed any greenhouse gases. So the  
39 assumption is that by holding off--you know, that the homeowner pays for the energy audit  
40 upfront. If they then contract for the work to make the home more energy efficient, the cost  
41 of that audit can be rolled into that amount of money. I clearly recognize that there are



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1 people who economically cannot come up with the \$300 or \$400 upfront, and that's an  
2 obstacle. I think we can probably come up with a way that gets over that barrier but also  
3 provides an incentive once the audit is done to also do the work which, you know, does  
4 the energy savings.

5  
6 COUNCILMEMBER ERVIN:

7 No, I like that idea. I look forward to sitting in on the worksession at T&E. I'm not on the  
8 Committee, but this is a very important issue not only for me but for the people that I  
9 represent in my district. So thank you all for being here, and we will hopefully continue to  
10 hear from you and work together on the bill.

11  
12 COUNCIL PRESIDENT ANDREWS:

13 Thanks, Councilmember Ervin. Council Vice President Berliner?

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 Just two quick follow-ups. One, Pepco, for the benefit of my colleagues, has a program  
17 pending before the Maryland Public Service Commission which would result in a  
18 ratepayers paying the great bulk of the cost of the home energy audit, leaving something  
19 on the order of \$100 to \$150 for an individual to pay. And the Commission has indicated  
20 its approval of that program, and now Pepco is going back. So my belief is that by the time  
21 we move forward, Pepco itself will have been in a position to reduce the front-end cost.  
22 And we will be talking about something on the order of \$150, which would be an incentive  
23 we believe appropriate to ensure that people actually do the measures afterwards. And  
24 secondly, I wanted to follow up on the Council President's observation with respect to  
25 Congressman Chris Van Hollen who it has been a privilege to partner with on this and  
26 who has introduced a federal HELP bill, a federal home energy retrofit loan program. And  
27 not only was he successful in amending the stimulus bill to make bond dollars available to  
28 the County for this express purpose, and not only is the County eligible for energy  
29 efficiency block grant dollars for this purpose, but hopefully programs like what we're  
30 doing here in Montgomery County will demonstrate that a national program, a national  
31 bank--because the beauty of this is this is a revolving fund. All we need is the seed  
32 money. So we have spent literally trillions of dollars on helping out, if you will, our major  
33 banks and not knowing whether it's going to work or not. Here we have a situation where  
34 we have virtually a guaranteed revolving fund that every dollar the federal government  
35 invests will be returned. Every dollar that the County invests will be returned to the  
36 County. So it is literally the most cost- effective thing we could possibly do. And it has just-  
37 - it's been a privilege to partner with the Congressman and his excellent staff on this  
38 project.

39  
40 COUNCIL PRESIDENT ANDREWS:

41 Well said, Council Vice President. And Councilmember Trachtenberg next.

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1  
2 COUNCILMEMBER TRACHTENBERG:

3 Thank you, President Andrews. I want to start off by thanking and acknowledging Council  
4 Vice President Berliner for his leadership on this issue. And obviously this is an issue  
5 which is of great interest to everyone up here, but--many of you, if not all of you, in the  
6 audience this afternoon. And I really just have one housekeeping question. I wonder, in  
7 terms of rolling out the initiative, if we've got some sort of a game plan in mind, in terms of  
8 touching single-family homeowners, and even those that are in rental homes. Because I  
9 think it's important to talk a little bit about that, since often people are not really aware of  
10 what type of assistance is available to them. And even when they find it out, they haven't  
11 necessarily had the opportunity to plan appropriately, and it's always better to have  
12 advance notice. So I wonder, Roger, have we talked about that? I haven't had the benefit  
13 of being in T&E worksessions where this has been discussed.

14  
15 COUNCIL VICE PRESIDENT BERLINER:

16 You haven't missed anything yet.

17  
18 COUNCILMEMBER TRACHTENBERG:

19 Not yet. But I wonder, have we got a plan?

20  
21 COUNCIL VICE PRESIDENT BERLINER:

22 Well, actually what I thought was particularly important to hear from our GCAAR  
23 representative is the survey that they did as to the incredible interest there is in this  
24 program. And I think the fear of the County Executive is in part that, "Oh, my goodness.  
25 The demand for this program will be so large that it will overwhelm our resources." I don't  
26 think our--

27  
28 COUNCILMEMBER TRACHTENBERG:

29 Well, that's part of why I'm asking the question.

30  
31 COUNCIL VICE PRESIDENT BERLINER:

32 I don't think our problem is going to be getting out the word. I think our problem is going to  
33 be we're going to need Congressman Van Hollen's bill before Congress is ready to turn to  
34 it. I mean, we're going to go through, in my judgment, the dollars that we'll have available  
35 from the federal stimulus dollars very quickly.

36  
37 COUNCILMEMBER TRACHTENBERG:

38 I think you will, too. And so part of why I'm asking the question is that we've got to have a  
39 plan if that indeed is what occurs, that we have so many people knocking on the door.  
40 How do we put people in the queue, and how do we work with those for a future  
41 engagement?

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1  
2 COUNCIL VICE PRESIDENT BERLINER:

3 I see Mr. Edwards is eager to--  
4

5 STAN EDWARDS:

6 Just 2 things. I want to say the marketing and outreach of the program is a critical part of it  
7 that would be part of the implementation of it. Also, I just want to emphasize that the  
8 County Executive is fully behind this, and we will do everything we can to get this thing up  
9 and running as soon as possible. We just want to do it in the right way. So don't  
10 misunderstand our commitment to it.

11  
12 COUNCIL VICE PRESIDENT BERLINER:

13 I hear you. Thank you.  
14

15 COUNCIL PRESIDENT ANDREWS:

16 OK, thank you very much. And that concludes the questions for the first panel. We have  
17 one more panel on this bill. Thank you all. Our next panel will be Leroy Miller speaking as  
18 an individual, Marcia Marks speaking as an individual, Claire Johnson representing  
19 Hannon Armstrong, Janice Meier speaking as an individual, and Rabbi Sarah Meytin  
20 representing the Jewish Community Relations Council. So please join us at the front.  
21 Remember to press the button before you speak, and tell us who you are for the folks  
22 listening in, as well. When the yellow light goes on, you've got 30 seconds left. And when  
23 the red light is flashing, your time is up. So you each have 3 minutes, and our first speaker  
24 is Mr. Miller.

25  
26 LEROY MILLER:

27 Hello. Good afternoon. My name is Leroy Miller. I teach at American University and also  
28 have a consulting business here in Montgomery County in North Potomac. I want to fully  
29 express my complete support in favor of the home energy program in this bill. Over the  
30 past 2 years our household in North Potomac has implemented a rigorous investment  
31 plan of energy efficiency investments, including a home energy audit and air sealing  
32 performed through the Maryland home performance auditors and 2 new Energy Star  
33 appliances. We've cut our electricity usage by 50% and our fuel oil consumption by 20%.  
34 The payback period for our investment of \$4,000 has been 12 months. Our ultimate goal  
35 within 5 years is to create a zero- energy home, or near zero-energy home, through a  
36 combination of additional energy efficiency investments and renewable energy  
37 investments. How can we assure that the home energy loan program will have the  
38 maximum impact in supporting our efforts to reach the goal of 80% reduction of emissions  
39 by 2050? I have 3 points. One, zero is good. While the current version of the bill refers to  
40 zero- or low-interest loans, zero is clearly better and easier to communicate than a low-  
41 interest loan. In the current and perhaps ongoing environment of debt and risk aversion



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1 and mistrust, offering any kind of loan will be a challenge. Moreover, most people are not  
2 yet convinced that significant energy- efficient investments have a payback. Keep it  
3 simple. Zero is good. If we were to sacrifice simplicity, then create a tiered system of loans  
4 to 3,000 at 0%, for example, and loan amounts over \$3,000 at 5%. But zero and simplicity  
5 is best. Second point, consistency and predictability are good. There is a significant lag  
6 time for most consumers between becoming aware of the benefits and efficacy of  
7 reducing energy usage and ultimately making the decision to invest in energy efficiency or  
8 renewable energy. So we must avoid changing the rules of the loan program once the  
9 program is launched and made public. No bait-and-switch or or waiting lists. Third and  
10 finally, marketing and sales efforts are essential to the success of the program. Given that  
11 we have fewer than 1,000 home energy audits completed in Montgomery County, making  
12 a dent in the 250,000 to 300,000 owner-occupied homes in Montgomery County and  
13 reaching our goal requires a well- thought-out and well-funded marketing plan.  
14 Organization is essential. Line 213 of the bill alludes to activities to market the program. I  
15 just want to finally emphasize that this part of the program be allocated sufficient funding  
16 in the execution and promotion of the program. Otherwise, we may build it and they might  
17 not come.

18  
19 COUNCIL PRESIDENT ANDREWS:

20 OK, thank you very much for your testimony. Marcia Marks is our next speaker.

21  
22 MARCIA MARKS:

23 Good afternoon. I strongly support this bill and appreciate your efforts to get Montgomery  
24 County more efficient on energy. It's really important to reduce the use of fossil fuels for  
25 public health reasons. And this morning you heard Ron White, who talked about the  
26 pollutants' effects on public health. And what he also said was the reduction of I.Q. levels,  
27 which is really an important point. I've attached copies of the web site for Dr. Theo  
28 Coborn, and I hope that you'll be able to look at it carefully. So much of the fossil fuels are  
29 causing health problems in our society. They're contributing to endocrine-disrupting  
30 chemicals. They're adding to the pandemic of attention deficit disorders, intelligence and  
31 behavioral problems, diabetes, obesity, cancers, and Parkinson's and Alzheimer's  
32 disease. And I've attached something that she wrote on the fossil fuel process. What I'm  
33 asking you to do is to consider adopting a companion bill. As people seal their homes and  
34 offices more tightly, it's going to be important to remove toxic chemicals from indoor  
35 environments, or people will become very sick as they did during the first oil crisis. Things  
36 may have improved, but when you seal the buildings up without proper air ventilation you'll  
37 have a problem. What I've attached also is how Canada has banned certain pesticides  
38 that cause harm, and I hope that you will look at that carefully. The general public has little  
39 knowledge about the harm that pesticides can cause. They do not realize that pesticides  
40 used outdoors enter our homes on their feet, on the dog's feet, and through the windows  
41 and air- handling system and other ways. I wanted to thank you all, and I hope you'll





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1 consider a companion bill. We're fortunate that Mr. Leggett has appointed Bob Hoyt to  
2 head the Department of Environmental Protection because he understands these issues.  
3 I'd be happy to work with anybody who wants to on a companion bill to ban these  
4 pesticides and look into other toxins. Thank you.

5  
6 COUNCIL PRESIDENT ANDREWS:

7 Thank you, Ms. Marks. Our next speaker is Claire Johnson.  
8

9 CLAIRE JOHNSON:

10 Councilmembers, thank you very much for the opportunity to speak with you today  
11 regarding the home energy loan program. I commend you and particularly Councilmember  
12 Berliner for your leadership in developing a new financing structure to promote energy  
13 efficiency and renewable energy. You've created a very creative and important program,  
14 and I'm very much in favor of this initiative. The HELP program is something that I and my  
15 company Hannon Armstrong fully support and would like to do anything we can to ensure  
16 that it succeeds. These recommendations I'm about to provide are intended only to  
17 improve the chances of this much needed program's success. As one of the founders of  
18 SunEdison, North America's largest solar energy services provider based in Beltsville,  
19 Maryland, I fully understand how important it is to promote energy efficiency and  
20 renewable energy through improved financial structures. I believe property tax financing is  
21 an excellent way to support energy efficiency and renewable energy and will enable  
22 property owners to do their part to address global warming. I'll provide the perspective of  
23 Hannon Armstrong, an Annapolis-based firm that's pioneered the aggregation of small,  
24 clean-energy investments into a multibillion-dollar securitization program. Hannon is a 28-  
25 year-old investment bank that's financed over \$1.5 billion in energy efficiency investments.  
26 We'd like to reiterate our support for the HELP program and would like to be involved in  
27 some way to make the HELP program a reality. Our interest is with respect to the creation  
28 of funds and financing for this program. We would like to add these suggestions to help  
29 make the HELP--to help make the HELP program a success. Number one, use a private  
30 company to market, manage, and finance the HELP program. As proposed, an  
31 infrastructure will be required within the County to administer the program. This is a cost  
32 that the County need not absorb if it would instead partner with the private sector for the  
33 marketing, management, and financing of the program. This will minimize transaction  
34 costs to the County. There are 2 examples where this has taken place, one in Annapolis,  
35 Maryland, and one in Berkeley, California. Number 2, use private financing and leverage  
36 any public dollars made available to help with private financing to maximize the impact of  
37 HELP on energy efficiency and renewable energy. "A," by using private financing, the  
38 County does not need to use its own dollars to finance HELP, does not need to issue a  
39 bond, and does not need to impact its own debt ceiling, "B," a private financing program  
40 will create jobs with almost no budget impact to Montgomery County and will require no  
41 extra subsidies and will reduce energy use at property owners' sites. And number 3, the

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1 focus should not be on lowering interest rates but rather how to ensure that monthly  
2 payments on loans will be lower than the resulting reduction in a home's energy cost. The  
3 key is not the interest rate but providing an incentive for property owners to participate. I  
4 truly appreciate your time and wish you all the best of success with this innovative, much  
5 needed, and very valuable program. Thanks very much.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Thank you, Ms. Johnson. Our next speaker is Ms. Meier.  
9

10 JANICE MEIER:

11 Thank you. My name is Janice Meier and I'm a resident of District 2. I'm not a climate  
12 scientist or a policy wonk. I'm a concerned citizen who's followed the news on climate  
13 change. I'd like to speak from that perspective in support of the HELP legislation. We  
14 heard from the experts in 2007 that the earth is experiencing human-caused warming  
15 that's changing our climate in many detrimental ways. But we also heard that making  
16 changes to our collective behavior can make a dramatic difference in how much climate  
17 disruption we'll experience. According to these experts, we could expect about 3 degrees  
18 Fahrenheit of temperature rise and 7 inches of sea level rise in a better scenario  
19 compared to 11 degrees Fahrenheit and almost 2 feet of sea level rise in a worse  
20 scenario. Earlier this month, a group of more than 2,000 climate scientists issued a  
21 warning that we are, in fact, on a trajectory that is at least as bad as the experts' worst  
22 scenario, and we could see sea level rise between roughly 3 and 6 feet this century. How  
23 would this impact us here in Maryland, where land subsidence meets high water in the  
24 Chesapeake Bay? Well, EPA is now saying that sea levels are rising almost twice as fast  
25 here as in the rest of the world, which means that we could possibly see 12 feet of sea  
26 level rise this century. And our action locally is critical to global action. A better scenario  
27 assumes global cooperation in addressing climate change. That cooperation will not  
28 happen if the U.S. doesn't have credible climate action at home. The HELP legislation  
29 could provide a model for quick legislation all around the country just in time to help our  
30 administration take the global leadership this year at the successor to the Kyoto  
31 Conference, the U.N. Conference in Copenhagen. Montgomery County needs this  
32 legislation to help our country lead in solutions to climate change and as an important step  
33 towards the better scenario. Thank you.  
34

35 COUNCIL PRESIDENT ANDREWS:

36 Thank you, Ms. Meier. And our final speaker on this bill is Rabbi Sarah Meytin.  
37

38 RABBI SARAH MEYTIN:

39 Thank you very much, Council President, for this opportunity to speak. I'm Rabbi Sarah  
40 Meytin, Assistant Director of the Jewish Community Relations Council of Greater  
41 Washington, the public relations and--public affairs and community relations arm of the

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1 organized Jewish Community of Greater Washington. There is broad scientific consensus  
2 that human activity is accelerating climate change and threatening the survival of some  
3 species as well as the economic and physical well-being of human populations throughout  
4 the world. Damage to the unique resources of the Chesapeake Bay watershed, for  
5 example, are of particular concern to our region. Humankind has the capacity to transform  
6 the natural world. But with that capacity comes the responsibility both to safeguard  
7 ecological systems so the diversity of life can thrive and to conserve resources so they are  
8 available for future generations. We appreciate the opportunity to submit this testimony in  
9 support of Bill 6-09, the Home Energy Loan Program. Per Councilmember Berliner's  
10 memo on the bill, this legislation will simultaneously significantly reduce greenhouse gas  
11 emissions, put money into constituents' pocketbooks through savings on the utility bills,  
12 and promote a Montgomery County green economy by funding the net cost of energy  
13 improvements. These are all laudable goals that the Jewish Community of Montgomery  
14 County fully supports. The Jewish community strongly supports this legislation, particularly  
15 if the County can make use of stimulus moneys and private funding so that there is a zero  
16 or close to zero fiscal note on it. To the extent that this program furthers the goals of  
17 protecting the environment, lessening the community's dependence on fossil fuels and, in  
18 particular, foreign oil, and saving the community money, we find it to be a worthwhile and  
19 important program. It is our responsibility to do what we can to protect that which God has  
20 created. For that reason, we urge a favorable report on this bill. Thank you.

21  
22 COUNCIL PRESIDENT ANDREWS:

23 Thank you. And, Council Vice President Berliner?

24  
25 COUNCIL VICE PRESIDENT BERLINER:

26 Very briefly, Rabbi, thank you for those remarks. I actually wanted to just turn to Ms.  
27 Johnson for a moment, in part, just to make sure you appreciate, unless I'm mistaken, our  
28 legislation explicitly recognizes that the county government may not be the most efficient  
29 delivery mechanism and allows for a nonprofit or other mechanism. And maybe we don't  
30 explicitly say a private sector for administering the program, but the example in Annapolis  
31 is a nonprofit, not the private sector. And with respect to the private financing, we explicitly  
32 encourage that in the legislation, as well. We have had conversations with a number of  
33 our local banks and who are beginning to appreciate the opportunity that this may  
34 represent to provide loans that are virtually guaranteed to be repaid. And that the banking  
35 industry, by virtue of giving loans to the nonprofit--to a nonprofit, actually gets a little  
36 additional profit in and of itself. So we are hopeful that we will have a very broad and  
37 robust program. So I appreciate your comments and look forward to working with you.

38  
39 COUNCIL PRESIDENT ANDREWS:

40 Thank you, thank you all, and that concludes this public hearing, and the worksession will  
41 be this Thursday at 3:00 in the Transportation, Infrastructure, Energy and Environment



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1 Committee. We have one more public hearing, and that's what we're going to move on to  
2 right now. Good afternoon, ladies and gentlemen. This is a public hearing on Bill 7-09,  
3 Schools and Camps, Workforce Investment Scholarship. It would establish a workforce  
4 investment scholarship program, establish a Workforce Investment Scholarship Board to  
5 adopt guidelines, direct the Department of Economic Development to administer the  
6 program, and generally enhance workforce development in the County. Persons wishing  
7 to submit additional material for the Council's consideration should do so before the close  
8 of business today, Friday--well, that is not today--before the close of business on Friday,  
9 March 27, 2009. A Planning, Housing and Economic Development Committee  
10 worksession is tentatively scheduled for Thursday, April 2, at 2 o'clock. And if you have  
11 any questions, please call 240-777-7900. We have 6 speakers signed up for this bill.  
12 Please all come up to the front when I call your name. Press the button. You'll have 3  
13 minutes. 2 1/2 minutes, the yellow light goes on indicating you got 30 seconds to go. Red  
14 light means time's up. The 6 speakers are Mary Kay Shartle-Galotto representing  
15 Montgomery College, along with Melissa Gregory; Jane Hobdy representing the  
16 Commission for Women; Janine "Back-que"--sorry if I mispronounce the name-- Bacquie  
17 from the Universal Preschool Implementation Work Group; Kim Fordham speaking as an  
18 individual; Muhammad Ahmad speaking as an individual; and Michelle Pearre speaking  
19 for the Montgomery County Chamber of Commerce. So good afternoon, everybody, and,  
20 Ms. Shartle-Galotto and Ms. Gregory, you're up first. OK. That's it.

21  
22 **MELISSA GREGORY:**

23 Got it. Good afternoon. My name's Melissa Gregory. I'm the College Director, Student  
24 Financial Aid, at Montgomery College, and I want to thank the members of the Council for  
25 giving us the opportunity to speak in support of this proposed workforce investment  
26 scholarship. At MC, we've seen a substantial increase in the number of students who want  
27 to pursue their education in science, math, and engineering, and that's what we commonly  
28 call the STEM industries. In the last 3 years the number of engineering majors jumped  
29 nearly 14%, and we're now one of the largest community college engineering programs in  
30 the country. Across the board we've seen a steady increase in our enrollment growth for  
31 all of our STEM majors. Last fall, our enrollment numbers totaled over 3,400, and that's  
32 college wide. So as you can tell, we have the talent, we have students who are interested  
33 in pursuing careers in these fields, and there's only one thing that can stand in their way of  
34 being successful in getting into those fields, and that's, can they afford to go to college?  
35 Can they pay for it, and that's a very big question. For this coming fall, already we've  
36 received 7,000 applications for financial aid at Montgomery College. That's a 20%  
37 increase over the same time last year. We're not scared. Uh, yeah, we are. At  
38 Montgomery College, we work very hard to keep our students off of loans. Our students  
39 are particularly loan-adverse. They're really worried about going into debt, and we found  
40 that giving them grants and scholarships helps prevent them from going into debt and  
41 having to borrow for their educations. Just in the last fiscal year MC didn't have enough



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1 grant and scholarship resources for over half of the applications, the eligible applications  
2 we received for financial aid, and as a result of that, over 2,500 students did not enroll at  
3 Montgomery College. If they couldn't afford us, I don't know where they went. So  
4 scholarships help our students pay those direct costs for tuition, fees, and books, and they  
5 make sure they have access to higher education, and certainly access to these  
6 particularly essential fields where we know they're going to be able to find jobs in the  
7 future. So today's proposed legislation gives them an incentive to pursue their education  
8 in these particular fields--science, math, engineering, and other in-demand careers. This  
9 gives them a financial push to encourage them to seek jobs that are necessary for  
10 Montgomery College--for Montgomery County to compete locally and globally. I want to  
11 encourage the County Council to support this legislation sponsored by Councilmembers  
12 Knapp, Leventhal, and Ervin, and it focuses on the future. It's the future of our students,  
13 and it's also the future of our community. Thank you very much.

14  
15 COUNCIL PRESIDENT ANDREWS:

16 Thank you very much. And, Ms. Shartle-Galotto?

17  
18 MARY KAY SHARTLE-GALOTTO:

19 Good afternoon. I'm Mary Kay Shartle-Galotto and I'm the Executive Vice President for  
20 Academic and Student Services at Montgomery College. And before I begin, I'd just like to  
21 say thank you, Mr. Knapp, for introducing this innovative bill, and to Ms. Ervin and to Mr.  
22 Leventhal for doing so, a bill that will mean so much to our students. You've just heard  
23 from Melissa Gregory about the challenging situation Montgomery College faces as we  
24 look to ensure the educational access for the students of this County. I've spent nearly 30  
25 years working for the College, and one simple trend has always rung true. This nation  
26 turns to its community colleges as prime feeder grounds in meeting workforce needs of  
27 our ever- globalized and competitive workforce. And today our community has never  
28 needed its community college more. The fact that we are all here today illustrates the  
29 value that Montgomery County places on higher education. We're here to find solutions,  
30 and I believe that this legislation is the first step in ensuring a thriving workforce. Simply  
31 put, it means that our students can stay right here in this community and finish their  
32 education. So often at Montgomery College our students, if they do receive scholarships  
33 to continue their bachelor degree studies, receive transfer funding for schools far away  
34 from the County. That means their skills go elsewhere, too, and quite possibly the  
35 students never return to careers in this area. Thanks to the partnership that has evolved  
36 between Montgomery College and the Universities at Shady Grove, Montgomery County  
37 residents now have a quality 4-year college education available right here in their  
38 backyards. The synergy between our institutions benefits our students, and thanks to the  
39 proposed legislation, our partnership will grow even stronger. Let me just share a brief  
40 story about one of our students--Chuck Stouffer?????. He's an engineering major at  
41 Montgomery College, and through an internship that he received with a NASA contractor,

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1 he designed a tool to test space shuttle components prior to takeoff. That's not too  
2 amazing for a sophomore in college. He points out, however, that he could not have  
3 pursued these successful studies without the scholarship that he received from  
4 Montgomery College's Science, Technology, Engineering and Mathematics program. The  
5 proposed legislation before you now will give other students like Chuck the opportunity to  
6 strengthen our County, our state, and our nation. So as I conclude my testimony, I want  
7 once again to thank Mr. Knapp for this groundbreaking and creative legislation. I believe  
8 that he may have been inspired by Mr. Norman Augustine, who's the former CEO of  
9 Lockheed Martin, a resident of Montgomery County, and a good friend of Montgomery  
10 College. In his testimony before the U.S. House of Representatives last month, Mr.  
11 Augustine, a passionate advocate for engineering education, stated that, to use his words,  
12 "There is another insidious threat facing this nation, and that threat is the deterioration of  
13 our citizens' ability to compete for jobs in the evolving global workplace." Mr. Knapp, you  
14 must've heard this important message, and now this model legislation has been proposed  
15 to help us remain globally competitive in the scientific industries.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 I have to stop you there.

19  
20 MARY KAY SHARTLE-GALOTTO:

21 Sorry.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 We're going to have keep moving along. Thank you. We'll read the rest of the testimony.

25  
26 MARY KAY SHARTLE-GALOTTO:

27 Thank you.

28  
29 COUNCIL PRESIDENT ANDREWS:

30 Our next speaker is Ms. Hobdy.

31  
32 COUNCILMEMBER FLOREEN:

33 Press the button.

34  
35 JANE HOBDY:

36 Good afternoon. My name is Jane Hobdy, and I am a Commissioner with the Montgomery  
37 County Commission for Women. And in the audience is Commissioner Sanjay Rai, who is  
38 also with us today. The Montgomery County Commission for Women very much  
39 appreciates the opportunity to submit comments on the legislation proposed by  
40 Councilman Knapp that will create opportunities for teacher training in the county's 10  
41 most needed occupations, and which would also provide scholarships for students

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1 preparing for careers in areas of need. We are here today to urge you to ensure that  
2 women and girls are equally represented. If they are not, it will be nearly impossible to  
3 develop the workforce needed for the knowledge economy. The pool of potential scientists  
4 and engineers will be too small if we continue not to involve over half the population. Girls  
5 are vastly underrepresented in Montgomery County public schools and Montgomery  
6 College advanced math, science, and engineering courses. As a result, women are vastly  
7 underrepresented in careers to which these courses lead. The 2007 final report of the  
8 Girls in Technology-- Information Technology Task Force, led by Nancy Floreen,  
9 Councilwoman Nancy Floreen, found that girls were only 13% of the students enrolled in  
10 advanced placement computer science courses. The Commission for Women's 2007  
11 report on the status of women in Montgomery County found that out of the 64 students  
12 placed in high school technology-related internships, all were boys. The numbers are  
13 similar in math, science, and engineering for Montgomery College and for school system  
14 colleges and universities nationwide. Just to take a quick glance at Montgomery College,  
15 of the 926 students declaring engineering science as their major, less than 12.5% are  
16 women. In the computer sciences, less than 20% of the 319 students declaring this major  
17 are women. Women represent only 27.5% of all science, engineering, and math majors.  
18 The numbers are even more striking in light of the gender ratio for the entire college,  
19 where women make up 55% of the student body. And these numbers stand despite years  
20 of effort, both inside and outside academia, both nationally and right here in Montgomery  
21 County, to increase the numbers of females preparing for careers in sciences, math,  
22 technology, and engineering. As a result, not only do women miss the opportunities  
23 represented by these most needed occupations, but our society is losing every day the  
24 potential contributions women and girls would make if they were included. Without a  
25 visible, specific commitment to gender equality in science, technology, engineering, and  
26 math, we will never achieve the goal or even come close. The legislation is important for  
27 many reasons, but among them is that it provides an opportunity to bring more women  
28 and girls into science, engineering, and math, to demonstrate with these scholarships that  
29 we not only want them but expect them to study these fields. It is for this reason that the  
30 Commission for Women urges you to require that at least 4 of the 9 proposed members of  
31 the Workforce Investment Scholarship Board are women and require that 50% of the  
32 Workforce Investment Scholarships go to female students. Thank you.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 Thank you, Ms. Hobdy. Our next speaker is Ms. Bacquie representing the Universal  
36 Preschool Implementation Work Group.

37  
38 JANINE BACQUIE:

39 Good afternoon. I'm Janine Bacquie. I'm the co- chairperson of the Universal Preschool  
40 Implementation Work Group and Director of Division of Early Childhood Programs and  
41 Services. I'd also like to acknowledge Mary Lang and Gene Counihan, who are also



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1 members of the Preschool Work Group. In July 2008, this Council established the  
2 Universal Preschool Implementation Work Group consisting of broad-based community  
3 representation, including both universities at Shady Grove and Montgomery College. Our  
4 charge is to develop recommendations for implementing countywide, high- quality  
5 preschool programs that will provide all county 4-year- olds with the opportunity to grow,  
6 develop, and be fully prepared for their early school careers. The Work Group is finalizing  
7 its recommendations and has identified the critical need to increase accessible and  
8 affordable training opportunities in order to grow the number of childcare providers  
9 qualified to deliver preschool for all services to meet the demands of serving the county's  
10 4-year-old population. The early care and education industry is economically important  
11 and is often much larger in terms of employees and revenues than other industries that  
12 receive considerable government attention and investment. Nationally, licensed early  
13 education and childcare businesses employ millions of providers and teachers, pay  
14 billions of dollars in wages, purchase billions more in goods and services, and generate  
15 even more in gross receipts. Investing in early education training for providers generates  
16 economic development for Montgomery County communities by building an employable,  
17 educated workforce in helping to shape the future workforce, better preparing our children  
18 for school and other positive, lifelong outcomes. The key to a high-quality education for all  
19 preschoolers, regardless of setting, rests in the ability to have a highly trained, well-  
20 educated teacher in every preschool program. Recent trends in early childhood licensing  
21 and accreditation requirements for childcare providers require more advanced higher-  
22 education degrees, especially for the lead preschool teacher. The Department of Health  
23 and Human Services budget included \$56,000 in county general funds to provide 112  
24 scholarships for 70 community childcare providers. Most of these were used at  
25 Montgomery College for associates degrees, and one person received a bachelor's  
26 degree at Hood College. 30 additional providers who applied for scholarships could not be  
27 served. In addition, some local school systems across the state of Maryland have had to  
28 outreach to other states in search of qualified early childhood teaching staff to fill positions  
29 in Maryland classrooms. The Work Group has cited concerns about supplanting the  
30 existing childcare workforce by seeking out qualified applicants from afar instead of  
31 growing the pool of qualified local providers. Providing greater scholarship opportunities to  
32 those who pursue early childhood education or early childhood special education provides  
33 a strong catalyst for workforce development that will benefit our local economy. Current  
34 workforce demands cannot be met without your support. The Work Group enthusiastically  
35 supports Councilmember Knapp's bill to establish a workforce investment scholarship  
36 program. We recommend changes to the bill to specifically reference after line 28 and  
37 before line 29, "Individuals seeking local opportunities to obtain associates of arts and  
38 teaching degrees or undergraduate degrees in early childhood or early childhood special  
39 education, leading to certification by the Maryland State Department of Education." We  
40 also recommend adding to lines 29-32 a condition that requires students receiving a



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1 workforce investment scholarship to work in an early childhood education setting or other  
2 occupation specifically listed. Thank you for your consideration and support.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 Thank you very much, Ms. Bacquie. Our next speaker is Ms. Fordham.

6  
7 KIM FORDHAM:

8 Hi. Good afternoon. My name is Kim Fordham and I'm here to tell you about how being a  
9 recipient of scholarships has helped me. I was born and raised in Montgomery County  
10 and went to Montgomery County public schools, graduating from Sherwood High School  
11 in 2004. For as long as I can remember, I've always wanted to be a teacher. And I'm  
12 finally realizing my dream, as I will graduate this May from Towson University at the  
13 Universities at Shadys Gro--at the Universities at Shady Grove at the top of my class with  
14 a Bachelor of Science in elementary and special education. This fall, I hope I'm able to  
15 work at a school in Montgomery County like Oakland Terrace Elementary School, where  
16 I'm currently student-teaching. I want to be a part of that school or a school like it because  
17 though they have students from all walks of life, they've managed to virtually close the  
18 achievement gap. I feel that I can really make a difference there. But though I have a clear  
19 goal in mind now and I've maintained a 4.0 GPA since my last semester of high school, I  
20 can't say I ever saw myself being a just a few months away from graduating college at this  
21 time in my life. I come from a fairly big family. I'm the oldest of four. My family would be  
22 considered middle class, but paying for college was a huge difficulty for us. The  
23 expectation was always that I would go but I would finance it myself. This became a huge  
24 obstacle for me, especially since there was a time when I didn't even see the value of  
25 higher education. When I was in high school I felt there was no real hope of being able to  
26 afford college and that I would have to find another way to accomplish my goal of working  
27 with children. When I graduated from high school my parents insisted that I begin taking  
28 classes part-time at Montgomery College because my family felt strongly about me going  
29 to college. And so I began to pursue an associate of arts in teaching at MC, thinking I'd  
30 take a few classes at a time, graduate eventually, and at best, become an MCPS  
31 paraeducator. Still, I had a difficult time sticking it out at Montgomery College. I was living  
32 on my own and struggling to support myself financially while taking classes. Though many  
33 people do it, I still feel one of the hardest things I've ever done was try to balance school,  
34 family, friends, and a job. But I wouldn't even let a sickness like mono stand in my way of  
35 excelling in school. And it was a good thing because, thankfully, my drive to maintain my  
36 grades at school had its rewards. Because of my hard work, I received a few generous  
37 scholarship awards. I received the Maryland Distinguished Scholar Transfer award, the  
38 INOVA Health Systems Family Scholarship, and finally, the Lofren????? Regent  
39 Scholarship for transfer students, which alone provided full funding to any school in the  
40 university system of Maryland. Receiving these scholarships not only alleviated the  
41 financial burden of going to school, they also made me realize that I could do more than



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1 take classes part- time. Rather, I would actually be able to complete my degree and have  
2 a successful professional career as a teacher. By being the first of my generation to  
3 graduate, I've set an example for my sisters, and 2 of them are already following in my  
4 footsteps by beginning their career at Montgomery County and then transferring to a 4-  
5 year university. Thanks to the scholarships I received, I now see the true value of a  
6 college education and recognize how it's been life-changing for me. Without it, I would not  
7 have had the motivation, confidence, perseverance, or ability to complete the degree  
8 required to enter my profession. I really encourage this legislation and hope that it's able  
9 to help other students like me. Thank you.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Thank you, Ms. Fordham. Mr. Ahmad?

13  
14 MUHAMMAD AHMAD:

15 Thank you. My name's Muhammad Ahmad and I'm an undergrad student majoring in  
16 construction management. I'm currently taking classes at the Universities at Shady Grove  
17 and the University of Maryland Eastern Shore construction management program. The  
18 only reason I'm able to stand before you today is because I'm one of the very fortunate  
19 few students to receive a full scholarship. Last year I was awarded the Clifford and  
20 Camille Kendall Scholarship that is only offered at Universities at Shady Grove. To truly  
21 understand how fortunate I am, you would have to know a little bit about me. I come from  
22 a fairly large family of 10. My mom worked extremely hard to support us and put us  
23 through school while trying to complete nursing school herself. As you may imagine, an  
24 entire family being supported by one income in this area would make higher education an  
25 unrealistic goal. Now that I'm a bit older, our circumstances have changed but not  
26 necessarily improved. I currently live with my mom and my 2 younger brothers. My  
27 younger brother's in college in search of financial support to achieves his own dreams in  
28 biology. My youngest brother, however, is a post-heart- transplant patient who has been  
29 developmentally delayed since birth. He's in need of constant supervision and has special  
30 educational needs. Every semester we need to coordinate our schedules so that one of us  
31 is home at all times while maintaining the full-time status. With all of these factors to deal  
32 with, you can imagine how the pursuit of a degree might be overwhelming. Without the  
33 generosity of the Kendalls and guidance of the people at the Universities at Shady Grove,  
34 I wouldn't be here. Instead of studying hard, participating in my internship program with  
35 Whiting-Turner and helping care for my little brother, I would be struggling to find a full-  
36 time job to pay for school. Finding a job that could work with my family schedule in  
37 sufficient time--sufficient pay for school- -finding a job that would--I'm sorry. Finding a job  
38 that would work with my family schedule and sufficient pay would be extremely difficult in  
39 this economy. The construction industry has been hit pretty hard along with several other  
40 industries. Thankfully, the Montgomery County area has been able to strive through these  
41 times. This is one of the many advantages of working in this area. Scholarships are the

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1 perfect package for students like me having an opportunity to essentially learn and  
2 improve their skill sets, have the opportunity to work in a pay job while going to school,  
3 and having the ability to stay in a place that we have called home. This relieves the stress  
4 of having to worry about leaving your family while giving the one ability to help support  
5 them and knowing that upon graduation you are completely employable right here at  
6 home. The Universities at Shady Grove is the only way I'm able to obtain my bachelor's  
7 degree, stay home and stay in the same area I work and help support my family. It is a  
8 wonderful package. I wish for others--I wish this for others. I'm not here today for you to  
9 feel sorry for me or for you to understand that there are many more like me who don't  
10 have the same opportunities as some others that live in Montgomery County. I have many  
11 friends who are in the medical business, engineering, and construction fields who are  
12 working and living in this area and all need funds to reach their goals. Thank you.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 Thank you very much. And our final speaker on this bill is Michelle "Pear"?

16  
17 MICHELLE PEARRE:

18 Pearre.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 Pearre. Sorry.

22  
23 MICHELLE PEARRE:

24 No problem. My name's Michelle Pearre and I'm the Assistant Vice President of Human  
25 Resources at Hughes Network Systems headquartered in Germantown. I'm here  
26 representing Hughes and the Montgomery County Chamber, so thank you for having me  
27 here. First of all, we applaud Councilmember Knapp for making strides to keep the  
28 students that we educate here in Montgomery County working and living in this most  
29 wonderful county. Hughes Network Systems currently attracts, and I'm sorry to say,  
30 approximately 70% of our engineers outside of the state of Maryland. And we'd very much  
31 like to be able to hire more engineers locally. We believe that the scholarship program is a  
32 very important first step in making science, technology, engineering, and math education  
33 accessible and affordable for more students. In 2007 and 2008, Hughes Network Systems  
34 hired approximately 130 employees each year in Montgomery County with an average  
35 salary of \$75,000 a year. We want to continue to grow high-paying, high- technology jobs  
36 right here in Montgomery County with local people. Currently we have difficulty attracting  
37 local engineers because of several factors, including fewer students in high school  
38 entering these fields, the high cost of housing in the County, and our need in many cases  
39 to attract talent from overseas, which can produce problems with visas. You may know  
40 that there a large percentage of graduating engineering students with masters degrees  
41 that are foreign nationals versus our U.S. citizens. While the scholarship program will not

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1 fix all of these problems, it could produce significant incentives for students in our system  
2 to get excited about engineering and be committed to staying in the county long term. The  
3 talent currently in the Montgomery County public school system are the future success of  
4 our community. Any tools that we can provide to ensure the success of these students is  
5 an important investment in our future. Thank you for your time.

6  
7 COUNCIL PRESIDENT ANDREWS:

8 Thank you very much. Thank you to all the folks testifying. Councilmember Knapp is up  
9 first.

10  
11 COUNCILMEMBER KNAPP:

12 Thank you, Mr. President. I just want to take a moment to thank all of you for your  
13 testimony. You all covered the waterfront fabulously. Mr. Ahmad and Ms. Fordham, very  
14 compelling. I mean, that's the reason we're doing this in the first place. You are kind of the  
15 poster children for what we hope will get a lot more students just like you through the  
16 program. So congratulations on your effort so far, and hopefully we can point others in  
17 your direction. And the reason we have public hearings is so that we get good perspective  
18 from the public. And, Ms. Hobdy and Ms. Bacquie, thank you very much for your  
19 recommendations. Because I think they're both very compelling and we need to make  
20 sure that we take that into consideration as the Council further analyzes the legislation  
21 before us, so thank you very much. And, Ms. Gregory--oh, Dr. Shartle-Galotto, yes, I  
22 appreciate the quote that you had from Dr. Augustine, Mr. Augustine, because I think that  
23 was compelling and I think that's one of the things we're trying to work on. But I think, Ms.  
24 Gregory, you kind of put it together. If they can't afford Montgomery College, where are  
25 they going? And it was interesting. Earlier today I was looking up some numbers, and I  
26 think this is--it's amazingly disconcerting to me when you look at this. Only 25% of adults  
27 in the United States have a bachelor's degree. And when you look at the differential  
28 between earnings as it relates to those with various levels of degree, if you have a  
29 bachelor's degree, on average you earn \$51,000 a year. If all you have is a high school  
30 diploma, you earn \$27,000 a year. So right there, if we're looking at how we're going to  
31 make sure Montgomery County's workforce is vital, we've got to make sure they get a  
32 college degree. And with an advanced degree, you now open up opportunities up to, on  
33 average--as you indicated, Ms. Pearre--\$72,800 a year. So this is what we have to do to  
34 try to make sure that we can continue to make Montgomery County a place to live, first  
35 and foremost, and then work and play after that. So I thank you all very much for your  
36 testimony and look forward to working with you all to get, hopefully, this legislation  
37 passed.

38  
39 COUNCIL PRESIDENT ANDREWS:

40 Thank you, Councilmember Knapp. Councilmember Floreen?



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1 COUNCILMEMBER FLOREEN:

2 Thanks. Great testimony, everybody, but I particularly wanted to single out the  
3 Commission for Women-- Ms. Hobdy and Ms. Rai. That is exactly why we did the Women  
4 in Technology Task Force, to point out these really critical pieces of information about the  
5 ability of young women to assume their rightful places at the table and to move to the  
6 decision-making and job opportunities that a good grounding in math and science require.  
7 So I'm so grateful to you for taking the time to pay attention to this issue and to put it out  
8 front and center, because that was what that was all about. Way to go. Thank you. We  
9 will--I will fight for you.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 Thank you, Councilmember Floreen. Councilmember Ervin?

13  
14 COUNCILMEMBER ERVIN:

15 Thank you so much. I am very proud to be a co-sponsor of this legislation. And I want to  
16 congratulate Councilmember Knapp for his leadership and his foresight in this area. And  
17 we hear a lot of testimony, and this has got to be one of the best panels I've heard in a  
18 very long time. I want to especially say to Muhammad and to Kim congratulations. You  
19 have really given us some very compelling testimony. I have a son, Jonathan, who  
20 transferred from Montgomery College last year--he's at the University of Maryland--and  
21 our family had to make some very difficult choices about what was affordable. And so he  
22 attended Montgomery College and had an excellent experience there. And so both of you--  
23 we're really proud to have you here in Montgomery County. And I think that part of what  
24 Mike's bill is trying to do is to keep our best and brightest here at home, so I hope you  
25 don't go anyplace. And for all the employers in the audience, you might want to get ahold  
26 of them before you leave. And I also want to say to Ms. Bacquie, who's here representing  
27 the Universal Preschool Implementation Work Group, how excited I am about the work of  
28 the Work Group. We're anticipating hearing from you I guess at the end of the month on  
29 all of the incredible work that's been done. And as you know and many of us at the dais  
30 know, we have to start with our very youngest Montgomery County citizens. And not only  
31 that, but why is it that the people who care for the youngest of us all are not afforded the  
32 same opportunities for scholarships and for access to higher education? So I would hope  
33 that Councilmember Knapp and I will be able to continue the conversation on what might  
34 be done next. I know that Mike has a series of ideas and bills drafted and ready to go, and  
35 maybe this could be one of them. So this has been an incredible panel, and we appreciate  
36 all of your testimony and hope for the passage of the bill. Thank you so much.

37  
38 COUNCIL PRESIDENT ANDREWS:

39 OK, thank you, Councilmember Ervin. And that concludes the public hearing. Thank you  
40 all very much. And the worksession is scheduled for Thursday, April 2, at 2 o'clock. All  
41 right, we have had a very packed agenda this afternoon, as you can see. I know that we

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1 have a lot of people waiting for different items. I'm concerned that we're going to lose  
2 some of our representatives in the near future if we don't move along. So we have--Chief  
3 Bowers I know was here. Is he still here? There he is. OK. We're going to go now to Item  
4 13 because I know that Chief Bowers has to leave shortly, and I don't think this item will  
5 take long. That's Item 13, which is the Fire and Rescue Service Capital Improvements  
6 Program. OK? So we're going to start with that and--

7  
8 COUNCILMEMBER LEVENTHAL:  
9 Mr. President?

10  
11 COUNCIL PRESIDENT ANDREWS:  
12 Yes?

13  
14 COUNCILMEMBER LEVENTHAL:  
15 I was under the impression that the Council voted and that you had agreed to take up the  
16 Fire and Rescue Commission Abolition Bill immediately after the public hearing. I think  
17 Chief Bowers has an interest in that, as well.

18  
19 COUNCIL PRESIDENT ANDREWS:  
20 Well, I think he does, and I would like to do that--roughly, I would like to do them together.  
21 But I also want to make sure he's here for the capital improvements part of it. And so I  
22 don't think it will--I think this will take about 10 or 15 minutes, and then we'll go on to the  
23 Fire and Rescue Commission Bill.

24  
25 COUNCILMEMBER LEVENTHAL:  
26 Thank you.

27  
28 COUNCIL PRESIDENT ANDREWS:  
29 All right, there are 4 items regarding the capital improvement program amendments, and  
30 they are the fire station alerting system upgrades, the East Germantown Fire Station, the  
31 Travilah Fire Station, and the Wheaton Rescue Squad relocation. And the first item is the  
32 alerting system, which is proposed for \$3.8 million as recommended by the Executive. I'll  
33 ask our staff--Minna Davidson--member if she has any comments she wants to make  
34 about this recommendation of the Committee.

35  
36 MINNA

37  
38 DAVIDSON:  
39 This is a new project recommended by the Executive. It will address an immediate need to  
40 replace the current fire station alerting systems. In trying to supply new stations with new  
41 alerting systems, Fire and Rescue discovered that the current vendor no longer makes the



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1 existing system. They've also discovered that replacement parts for the existing system  
2 aren't available, so they feel that it's necessary to move quickly to start to implement a  
3 new system. The Committee discussed concerns about planning for public safety  
4 communications and how it was that the system wasn't rolled into some of the previous  
5 planning discussions that the Council and Committees have had. And Fire, Rescue, and  
6 DTS have assured us that in the future they will include station alerting as part of public  
7 safety communications. And there was some concern that this new system will have to  
8 interface with the current CAD system, which the County is planning to replace fairly  
9 quickly. But Fire and Rescue staff and DTS staff also assured the Committee that the new  
10 station alerting system will interface both with the old CAD and with newer CAD systems  
11 when the County purchases them. I think that's about everything.  
12

13 COUNCIL PRESIDENT ANDREWS:

14 Thank you. Are there any questions about this recommendation? I don't see any. OK,  
15 that's accepted, then. The next item is the East Germantown fire station. To approve the  
16 reduction of \$800,000 in the total project cost, and appropriation is recommended by the  
17 Executive. Minna, any comments on this one?  
18

19 MINNA  
20

21 DAVIDSON:

22 This is a reduction in the total project cost and the appropriation for this project. It's an  
23 \$800,000 reduction because the bids for construction came in lower than were originally  
24 estimated.  
25

26 COUNCIL PRESIDENT ANDREWS:

27 All right, that's good news. We like that news. I don't see any comments about that item,  
28 so that's accepted. Travilah Fire Station. Retain the approved PDF, but shift \$850,000  
29 from FY10 to FY11 as recommended by the Executive for fiscal capacity. Any comments  
30 on this one, Minna?  
31

32 MINNA  
33

34 DAVIDSON:

35 The Executive had in his amendment recommended the funding shift, which Mr. Andrews  
36 mentioned. The Executive had also amended some of the language in the PDF to refer to  
37 this station as a 3-bay standalone station. Because decisions about the property use  
38 study and the relocation of the Public Safety Training Academy haven't been made yet,  
39 the Committee preferred to keep more generic language, just saying that there would be a  
40 station in the PDF. So we returned to the approved PDF, and the Committee is  
41 recommending the funding shift that was proposed by the Executive.

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1  
2 COUNCIL PRESIDENT ANDREWS:

3 OK. Thank you. And I don't see any comments about this one either. Although--I'm sorry.  
4 Councilmember Leventhal, do you have a comment about this?

5  
6 COUNCILMEMBER LEVENTHAL:

7 No, sir.  
8

9 COUNCIL PRESIDENT ANDREWS:

10 OK. Thank you. The fourth item is the Wheaton rescue squad relocation, deferring a  
11 recommendation pending updated cost estimates. So we will weight those estimates. I  
12 want to turn to Chief Bowers to see if he has any comments about any of these items, and  
13 I appreciate your patience this afternoon.  
14

15 RICHARD BOWERS:

16 Thank you very much, Mr. Andrews. Unequivocally, the most pressing, important, crucial  
17 item is the station alerting, and we certainly appreciate the Council addressing that and  
18 moving that forward. With respect to the other items that are in the CIP, again, we  
19 appreciate the Council reviewing those and approving those and moving those forward,  
20 too, at this point.  
21

22 COUNCIL PRESIDENT ANDREWS:

23 OK. All right, well, thank you very much. The Committee recommendations are thus  
24 accepted. All right. I'm looking for a couple of Councilmembers. We have--they were here  
25 a minute ago. All right. OK, um-- Back to--all right, let's go back. We are back to the earlier  
26 item deferred from this morning, which is Bill 38-08, which was introduced by  
27 Councilmember Leventhal, which would abolish the Fire and Rescue Commission. We  
28 have had some language drafted that is, I think, before everybody. Has everybody got a  
29 copy? No? OK. All right, Mr. Faden?  
30

31 MICHAEL FADEN:

32 Yes, Ms. Davidson is passing out the amendment now. I can go through it when you're  
33 ready.  
34

35 COUNCIL PRESIDENT ANDREWS:

36 OK. All right, I'll give everybody a couple of minutes to read it.  
37

38 MICHAEL FADEN:

39 Much of it is repeat of existing law.  
40

41 COUNCIL PRESIDENT ANDREWS:





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1 Yes. Well, why don't you highlight the changes in this amendment from existing law.

2  
3 MICHAEL FADEN:

4 The first change is the name of the commission from Fire and Rescue Commission to Fire  
5 and Emergency Services Commission. Unfortunately, we neglected to put in line numbers  
6 here, but that's right at the top. The membership is kept the same, although it would be a  
7 new membership, and that's shown at the end of the bill. The qualifications of the  
8 members are kept the same. The terms are essentially kept the same. The vacancy  
9 process is kept the same. Compensation is as drafted in Bill 11-09 this morning. That is,  
10 no compensation for service on the Commission, but reimbursement for reasonable travel  
11 and dependent care expenses as appropriated.

12  
13 COUNCIL PRESIDENT ANDREWS:  
14 OK.

15  
16 MICHAEL FADEN:

17 Duties are essentially the same as the current Commission shown here with almost no  
18 wording changes in Subsection "D." That includes at the bottom of page 4, paragraph D-4,  
19 which is the quasi-legislative authority of the Commission--that is, the Commission's  
20 authority to review and approve or disapprove Fire and Rescue service policies or  
21 regulations. The rest of this part, going on to page 5, are essentially the same. The 3  
22 italicized lines at the bottom-- near the bottom of page 5 are the other references to the  
23 Commission, which would revert to existing law with a couple of exceptions. And I've  
24 actually gone over these exceptions with representatives of the Volunteer Association,  
25 and also the Fire Chief is aware of them. The exceptions are the Commission's role in  
26 designating certain positions as LOSAP recipients, which is more of a management  
27 function than the Commission's role, which they actually haven't taken on in drafting  
28 amendments to the master plan, which has become the fire chief's function, and this  
29 amendment would reflect that. And finally at the bottom of page 5 and going on to the top  
30 of 6, effective date and transition provisions has to take effect on August 1. We chose that  
31 date, first, because it's a little more than 91 days from now, so it gives time for this law to  
32 go into effect. And second, that's when terms roll over on the current Fire and Rescue  
33 Commission. And then on page 6 there's a transition provision which allows for staggered  
34 terms of initial appointees. And that's pretty much it.

35  
36 COUNCIL PRESIDENT ANDREWS:

37 OK, let me first ask, are there-- well, I'll say that I've polled the Public Safety Committee,  
38 and this is the recommendation now of the Public Safety Committee on this legislation.  
39 And I will ask, first, are there any questions about what's in the bill? Any questions about  
40 the description as provided by Mr. Faden? Go ahead. Start with informational questions  
41 here. Councilmember Knapp.

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1  
2 COUNCILMEMBER KNAPP:

3 This is-- I'm not sure if it's for Mr. Faden or for Chief Bowers, but it's on the basis of--my  
4 initial understanding of this and the reason I was supportive was the cost element. So  
5 there was the actual stipends themselves, and then there was the actual number of staff  
6 members required to support the Commission. And as I recall, the number associated with  
7 the staffing support is in excess of \$300,000. So, I mean, if we get rid of the stipends, that  
8 saves about \$100,000. But the real cost is all of the staff support for this. And I just  
9 wanted to check. If given this current construct, do you see that it would still require that  
10 level of support to maintain the Fire and Rescue Commission?

11  
12 RICHARD BOWERS:

13 2 things, Mr. Knapp, and I'll answer your question with these two items. First is the staff  
14 that you're speaking of is actually staff that is in the Office of the Fire Chief. And there is a  
15 small amount--I'll just say a small amount of work that is done with the Commission with  
16 the staff from the Fire Chief's Office. That will basically remain the same with whatever the  
17 Council chooses to do.

18  
19 COUNCILMEMBER KNAPP:

20 So that the three staff people identified in the packet is--they're not 3 FTEs supporting the  
21 Fire and Rescue Commission? That's the total compensation for those three people who  
22 will spend a portion of their time supporting the Fire and Rescue Commission?

23  
24 RICHARD BOWERS:

25 Correct. The majority of the time is for the Office of the Fire Chief.

26  
27 COUNCILMEMBER KNAPP:

28 Thank you very much.

29  
30 RICHARD BOWERS:

31 Thank you.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 OK, thank you, Councilmember Knapp. All right, so this is before us, and--a question?  
35 Informational question? OK, Councilmember Floreen.

36  
37 COUNCILMEMBER FLOREEN:

38 Thank you. Just so I get it, basically, what is proposed is Mr. Elrich's suggestion initially?

39  
40 MICHAEL FADEN:

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1 Yes. This is Mr. Elrich's concept from this morning. Actually, the draft shows him as the  
2 sponsor, but it's now a Committee amendment. But it keeps--it replaces the Commission  
3 with a similar commission but not identical. The major function that's not there is the  
4 quasi-judicial function.

5  
6 COUNCILMEMBER FLOREEN:  
7 OK, thank you.

8  
9 COUNCIL PRESIDENT ANDREWS:  
10 That's right. And the reconstitution allows the stipends to be eliminated as of the effective  
11 date of the legislation?

12  
13 MICHAEL FADEN:  
14 We believe so.

15  
16 COUNCIL PRESIDENT ANDREWS:  
17 OK. All right, any other informational questions? OK, now we'll move to comments.  
18 Councilmember Leventhal?

19  
20 COUNCILMEMBER LEVENTHAL:  
21 I want to thank all my colleagues who've worked on this. I think we're making significant  
22 progress. I particularly want to thank Mr. Elrich for proposing a compromise and Ms.  
23 Floreen for moving to put this back on the Council's agenda. I do want to offer at this time  
24 a second degree amendment to the Committee amendment, and the second degree  
25 amendment would be the following. If you go--of course, the pages are not numbered  
26 here. So if you go to paragraph D-4, which is 1, 2, 3, 4--the fourth page at the bottom, I  
27 would delete the words--where it reads, "The Commission must review and may approve  
28 or disapprove any generally applicable Fire and Rescue Service policy or regulation," et  
29 cetera, I would delete the words "and may approve or disapprove" and replace them with  
30 "and may comment on." So it would read, "The Commission must review and may  
31 comment on any generally applicable Fire and Rescue Service policy or regulation  
32 proposed by the Fire Chief, including any regulation that may be issued by the Executive  
33 under this chapter. Before taking any action under this paragraph, the Commission must  
34 give the Fire Chief, LFRD representative, employee organization, and the public a  
35 reasonable opportunity to comment." At that point, my amendment would end the  
36 paragraph. I would delete all of the balance regarding approval or disapproval of proposed  
37 policies by the Chief, the power of the Commission, in effect, to veto decisions by the  
38 chief. So I'm offering that amendment at this time.

39  
40 COUNCIL PRESIDENT ANDREWS:  
41 OK, is there a second?

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COUNCILMEMBER ERVIN:

Second.

COUNCIL PRESIDENT ANDREWS:

OK, it's moved by Councilmember Leventhal and seconded by Councilmember Ervin. Is there discussion on the amendment? And Councilmember Elrich has his light on.

COUNCILMEMBER ELRICH:

I'd like to understand from Mr. Knapp or the Fire Chief himself what the--what was envisioned with the approval and disapproval power and how you view that as playing out with your job now.

RICHARD BOWERS:

Well, the approval/disapproval of the Commission is certainly another set of eyes from, if you will, the elements within the Fire and Rescue Service, as well as the public with the at-large community membership that is there. How it plays out now, if--are you asking, Mr. Elrich, if it changed?

COUNCILMEMBER ELRICH:

You know, how's it used?

RICHARD BOWERS:

Currently it's used periodically with respect to--at Commission meetings where policies are reviewed and then approved or disapproved. The majority of the policies, though, are approved through the Commission.

COUNCILMEMBER ELRICH:

Do you have an example of anything that's been disapproved by the Commission?

RICHARD BOWERS:

Off the top of my head lately, no, sir, I can't.

COUNCILMEMBER ELRICH:

Not lately?

RICHARD BOWERS:

OK, the driver training policy, which was a couple years ago.

COUNCILMEMBER ELRICH:

And, I mean, let me understand the magnitude of that. What was the nature of the issue?

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1  
2 RICHARD BOWERS:

3 There was some impacts system-wide, and more specifically, on some of the volunteers  
4 with respect to some of the requirements in there. So as a result of that, if my memory  
5 serves me correct, we went back and worked directly with the volunteer MCVFRA to try to  
6 iron out whatever, if you will, differences that were--or "challenges" is probably the better  
7 word. And then we made sure that those corrections were made, and then, therefore, the  
8 policy was approved.  
9

10 COUNCILMEMBER ELRICH:

11 Any other examples?  
12

13 RICHARD BOWERS:

14 You're taxing my memory right now.  
15

16 COUNCILMEMBER ELRICH:

17 Don't do a Bush-era attorney general on me here.  
18

19 RICHARD BOWERS:

20 Just don't throw any shoes.  
21

22 COUNCILMEMBER ELRICH:

23 Mike, did you want--  
24

25 COUNCILMEMBER KNAPP:

26 No. I guess the only thing I would add is when the bill was--5 years ago when 36-03 was  
27 discussed and debated for many, many meetings, one of the biggest issues that came  
28 forward was one of trust, and the fact that our career organization and our volunteer  
29 organization did not have a great track record of trust in working together. And that since  
30 we were creating a position of Chief, of the Fire Chief for the first time in County history,  
31 the idea was to have an oversight or a check or a balance there to basically make sure  
32 that we could create that system of trust. And after 5 years and 2 different chiefs, I haven't  
33 heard anything of significance coming to the Fire and Rescue Commission where that's  
34 been the issue. And I think we've actually really created a much greater sense of trust. We  
35 have a first-in-the- nation collective bargaining agreement with our volunteers, which is a  
36 model that has been touted throughout the country. And I think that we have something  
37 there that didn't exist 5 years ago. And I think that was probably the biggest motivation for  
38 having that kind of oversight put in place, was to have a safety valve in case that trust  
39 didn't work in the way we hoped that it would.  
40

41 COUNCILMEMBER ELRICH:

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1 I'd like to offer an amendment to the amendment. I'd like to offer that--can I do that?

2  
3 COUNCIL PRESIDENT ANDREWS:

4 No, I don't think so. I think we got to do one a time, I think. Yes. So we already have an  
5 amendment before us. Yes.

6  
7 COUNCILMEMBER ELRICH:

8 Can't go to a third degree amendment?  
9

10 COUNCIL PRESIDENT ANDREWS:

11 Not now. Not right now. Um, do you want to yield for a little bit?  
12

13 COUNCILMEMBER ELRICH:

14 Yeah.  
15

16 COUNCIL PRESIDENT ANDREWS:

17 OK. All right, Council Vice President Berliner.  
18

19 COUNCIL VICE PRESIDENT BERLINER:

20 Chief Bowers, we had a sense of conversation with respect to the issue that my colleague  
21 raised with respect to trust in the Committee. It wasn't explicit about trust, but it was  
22 effectively about trust. And my takeaway from that conversation was that you felt that  
23 while things had certainly progressed over the past 5 years, that this authority in the  
24 Commission actually served a healthy function at this moment in time to ensure that there  
25 is deference in respect and a true listening done by you and others to the concerns that  
26 are often raised by the volunteers in the conversations that take place. Am I accurately  
27 describing your view with respect to that, sir?  
28

29 RICHARD BOWERS:

30 Yes, sir, you are. Yes.  
31

32 COUNCIL VICE PRESIDENT BERLINER:

33 Ok. So from your perspective, this function is a healthy function, an appropriate function,  
34 and one that serves our community in this moment in time?  
35

36 RICHARD BOWERS:

37 As it stands, yes.  
38

39 COUNCIL VICE PRESIDENT BERLINER:

40 And I would just say to my colleagues I do not understand the basis upon which we would  
41 decide otherwise, given this recommendation by the Acting Chief whose authority we are

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1 presumably concerned about, and who states unequivocally that in this instance, this  
2 particular authority is serving a healthy, important function in a context in which there are  
3 very few precedents for what we have sought to achieve in melding these two very  
4 disparate and often competing sets of interests. And it hasn't been pretty, and we all know  
5 it hasn't been pretty. And it isn't about how often this authority is invoked, I would say to  
6 my colleagues. It is the fact that the authority exists is what creates a context for working  
7 these things out. And if you removed that authority, you remove the impetus for working  
8 these things out. So from my perspective, this is sort of like an informal mediation process  
9 that ensures that the parties at the table are heard, respected, and the Chief is within his  
10 prerogative to roll the dice. And the Commission, I would imagine, uses its authority very  
11 sparingly. So I really don't get why we want to change this piece. I am supportive of my  
12 colleagues' desire to change the adjudicatory piece. And on that basis, I am prepared to  
13 support this substitute and the Committee's recommendation. But I don't get why we  
14 would go beyond that. I don't think it's necessary to achieve the dollars that we seek to  
15 save. And when the Acting Chief says this works for him and works for the organization, I  
16 don't get why we would supersede our judgment for the Chief.

17  
18 COUNCIL PRESIDENT ANDREWS:

19 Thank you, Council Vice President. I would agree with your conclusion that we have a  
20 system that is working quite well now in balancing the interests and in ensuring that there  
21 are different points of view heard in a meaningful way, including the public, which is an  
22 important part of the Fire and Rescue Commission makeup. This was an important part of  
23 the legislation. This was an important aspect of the bill that was passed by the Council in  
24 2004 establishing our current system. I think the language that's in the amendment as the  
25 new Committee recommendation-- it's the right balance, allows us to address the issue of  
26 eliminating the stipends immediately or as soon as the bill takes effect, and restricts the  
27 authority to the legislative authority. The quasi-judicial authority I think is not the key one.  
28 And so I hope that the Council will unite around this amendment. I'll turn to  
29 Councilmember Ervin.

30  
31 COUNCILMEMBER ERVIN:

32 Thank you very much. Chief, you and I met recently, and I really admire and respect the  
33 position that you hold, and I think you are a very honest and forthright person. And I know  
34 you've been put into a very difficult position right now. And so I just want to ask a question  
35 differently than the question that was posed to you, and that is if the amendment that  
36 Councilmember Leventhal is proposing is passed, will that create any problems that you  
37 can foresee in operating--in operating the Fire and Rescue Services in Montgomery  
38 County?

39  
40 RICHARD BOWERS:

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1 Not specifically. I will say this just to the entire Council, if I may. I meet with the Local 1664  
2 as well as the MCVFRA on a weekly basis or, as needed, even more so than that. In our  
3 weekly private meetings we come together and discuss issues absent the Fire and  
4 Rescue Commission meeting or absent, you know, this piece, if you will, of the legislation  
5 that we're discussing right now. So, Councilmember Ervin, to address your question, I  
6 don't see it as an impediment, by no means. And as I said, it won't change, one way or the  
7 other, how I currently operate with open, honest communications with both the Local as  
8 well as MCVFRA.

9  
10 COUNCILMEMBER ERVIN:

11 I thank you very much for your response.  
12

13 COUNCIL PRESIDENT ANDREWS:

14 OK, thank you, Councilmember Ervin. There are no other lights on at the moment, so we  
15 are ready, then, for a vote on the amendment as offered. All those in favor of the  
16 amendment offered by Councilmember Leventhal, please raise your hands. That's  
17 Councilmember Leventhal, Councilmember Ervin, Councilmember Knapp, and  
18 Councilmember Floreen. Opposed? Councilmember Trachtenberg, myself, and Council  
19 Vice President Berliner, and Councilmember Elrich. The amendment fails 4-4. Are there  
20 any other amendments to this language? Are we ready to--  
21

22 COUNCILMEMBER ELRICH:

23 I have 2 amendments.  
24

25 COUNCIL PRESIDENT ANDREWS:

26 OK.  
27

28 COUNCILMEMBER ELRICH:

29 I'd like to change on the page 2--I guess it's paragraph 3. It lists who's not eligible to serve  
30 on the Commission, and I'd like to-- where it says, "the fire chief," I'd like to add the  
31 language, "any volunteer chief," and then "any division chief." No chiefs.  
32

33 COUNCIL PRESIDENT ANDREWS:

34 No chiefs. OK, so currently, the fire chief and division chief are not eligible. You would add  
35 volunteer chiefs to that, as well. OK. Is there a second for the motion? I don't see a--is  
36 there a second? There was a--did everybody hear the amendment? The amendment is to  
37 prohibit volunteer chiefs from serving on the Commission.  
38

39 COUNCILMEMBER ELRICH:

40 Any chief.  
41



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1 COUNCIL PRESIDENT ANDREWS:

2 Any chief, in addition to the fire chief and division chief. OK, seconded by Councilmember  
3 Knapp. Is there any discussion about that? Let's see. I am interested briefly to hear if  
4 there's any comment from either Chief Bowers or from the representatives we have here  
5 from the MCVFRA on this, not having really confronted this issue before. If you have any  
6 comments, please come and offer them briefly. Chief Bowers?

7  
8 RICHARD BOWERS:

9 Thank you, Councilmember Andrews. No comment at this time.

10  
11 COUNCIL PRESIDENT ANDREWS:

12 OK. All right, President Goodloe?

13  
14 MARCINE GOODLOE:

15 Yes, thank you, sir. We agree with the amendment to add the volunteer chief. I think if you  
16 begin to mention any chief, that can get rather tricky because some LFRDs are chiefs.  
17 You have battalion chiefs and deputy chiefs that the union has selected to serve on the  
18 Commission and they do that very well. So I can understand and concur with Councilman  
19 Elrich's recommendation. But I think to go beyond that can create some problems.

20  
21 COUNCIL PRESIDENT ANDREWS:

22 OK, so exac--would you read your language one more time?

23  
24 COUNCILMEMBER ELRICH:

25 "fire chief, volunteer chief, any division chief."

26  
27 RICHARD BOWERS:

28 Is it "the" volunteer, "a" volunteer chief?

29  
30 COUNCILMEMBER ELRICH:

31 We'll make it "the volunteer chief," if that clarifies it.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 The chief of any volunteer department? Is that what you're trying to get at?

35  
36 RICHARD BOWERS:

37 The LFRD chief I think would be the--

38  
39 COUNCILMEMBER ELRICH:

40 Is that the equivalent?

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1 MICHAEL FADEN:  
2 There's more than one, so you would say "any."  
3  
4 COUNCIL PRESIDENT ANDREWS:  
5 "Any LFRD chief." OK.  
6  
7 MARCINE GOODLOE:  
8 I presume you were talking about the division of volunteer--that chief, the division chief,  
9 not a volunteer chief.  
10  
11 COUNCILMEMBER ELRICH:  
12 I was looking at the LFRD chiefs.  
13  
14 MARCINE GOODLOE:  
15 We disagree with the LFRD chiefs. The division chief we would accept.  
16  
17 COUNCIL PRESIDENT ANDREWS:  
18 OK. I'm asking a question of intent. Councilmember Elrich, you're trying to get below the  
19 chiefs of the 19--  
20  
21 COUNCILMEMBER ELRICH:  
22 Yeah.  
23  
24 COUNCIL PRESIDENT ANDREWS:  
25 Any chief in the volunteer system? OK. That seems broad. It seems overly broad to me.  
26 Um, I'm not sure I understand--  
27  
28 COUNCILMEMBER ELRICH:  
29 Too broad?  
30  
31 COUNCIL PRESIDENT ANDREWS:  
32 It sounds--  
33  
34 COUNCILMEMBER ELRICH:  
35 Then I'll just settle for the volunteer chief, the LFRD chief.  
36  
37 COUNCIL PRESIDENT ANDREWS:  
38 The chief of volunteer services?  
39  
40 COUNCILMEMBER ELRICH:  
41 A single one.

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1  
2 COUNCIL PRESIDENT ANDREWS:

3 OK. All right, and is there a second for that? So the prohibition being the chief of volunteer  
4 services from serving as a member of the Fire and Rescue-- the new name, the Fire--the  
5 County Fire and Emergency Services Commission.

6  
7 RICHARD BOWERS:

8 Mr. Andrews, I got to make sure in terms of what discussion just took place, just so I  
9 understand and there's no confusion. I think we're talking potentially two different things.  
10 You're talking about the volunteer division chief. I believe--Mr. Elrich, I need to ask you,  
11 were you speaking of the volunteer division chief or you're talking specifically to a  
12 volunteer LFRD chief?

13  
14 COUNCILMEMBER ELRICH:

15 I was going with the division chief.

16  
17 RICHARD BOWERS:

18 OK, I just wanted to make sure I didn't misunderstand.

19  
20 COUNCIL PRESIDENT ANDREWS:

21 OK, the volunteer services--the volunteer division chief, and there is one appoint--there's--  
22 it's a filled position.

23  
24 RICHARD BOWERS:

25 It's already in here.

26  
27 COUNCIL PRESIDENT ANDREWS:

28 OK, that's already covered, then. So we can throw that one? Ok.

29  
30 COUNCILMEMBER ELRICH:

31 Ok. I didn't realize. And my other amendment, my second request would be to--the same  
32 place where George was on the approve and disapprove and require disapproval to be by  
33 a majority, super majority of 5 votes.

34  
35 COUNCIL PRESIDENT ANDREWS:

36 Is there a second? There's no second. OK. So we are then ready, if there are no other  
37 comments, to vote on the bill as amended, which--

38  
39 CLERK

40 Excuse me, Council President? Did you vote on the first part of Mr. Elrich's amendment?



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1 COUNCIL PRESIDENT ANDREWS:

2 I think the first part was withdrawn.

3  
4 CLERK

5  
6 OK. Thank you.

7  
8 COUNCIL PRESIDENT ANDREWS:

9 Yes. All right, we're ready for final comments. Councilmember Ervin? I--very good. OK. All  
10 right, we are ready for action on Bill 38-08, which was--the chief sponsor was  
11 Councilmember Leventhal, and it has been amended, as we know now, by the Committee  
12 and it is before us for final action. The clerk will call the roll.

13  
14 CLERK

15  
16 Mr. Elrich?

17  
18 COUNCILMEMBER ELRICH:

19 Yes.

20  
21 CLERK

22  
23 Ms. Trachtenberg?

24  
25 COUNCILMEMBER TRACHTENBERG:

26 Yes.

27  
28 CLERK

29  
30 Ms. Floreen?

31  
32 COUNCILMEMBER FLOREEN:

33 Yes.

34  
35 CLERK

36  
37 Mr. Leventhal?

38  
39 COUNCILMEMBER LEVENTHAL:

40 Yes.



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1 CLERK

2

3 Ms. Ervin?

4

5 COUNCILMEMBER ERVIN:

6 Yes.

7

8 CLERK

9

10 Mr. Knapp?

11

12 COUNCILMEMBER KNAPP:

13 Yes.

14

15 CLERK

16

17 Mr. Berliner?

18

19 COUNCIL VICE PRESIDENT BERLINER:

20 Yes.

21

22 CLERK

23

24 And Mr. Andrews?

25

26 COUNCIL PRESIDENT ANDREWS:

27 Yes. The bill is adopted 8-0. Thank you all for constructive work. OK, we're going to move  
28 right on because we have been keeping a lot of people waiting. We are going to go--  
29 because I know that the WSSC item should be shorter than Wild Acres. We're going to  
30 bring WSSC up here, and then we will get to the Wild Acres issue. And that will be our  
31 final issue of the day, and we will not have to rush it because there's nothing following it.  
32 So we will take whatever time we need. No, that's been deferred. Judicial Annex was  
33 deferred. So all that stands between us and Wild Acres is WSSC, and we welcome WSSC  
34 representatives to the table. Please introduce yourself for those listening in or watching.  
35 And then I will turn to Councilmember Floreen-- let's have them introduce themselves first,  
36 and then I will turn to the chair of the committee to lead us through, OK? All right, so we  
37 have six people at the table. Please tell us who you are.

38

39 TERESA DANIELL:

40 Good afternoon. I'm Teresa Daniell, the interim General Manager of WSSC. Our Vice  
41 Chair of the Commission, Gene Counihan, is here. And also, I have senior staff--the

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1 interim Deputy General Manager Rudy Chow, Chief Engineer Gary Gumm, Chief  
2 Financial Officer Tom Traber.

3  
4 COUNCIL PRESIDENT ANDREWS:

5 All right, thank you all. I'll turn to the Chair of the T&E Committee, Councilmember  
6 Floreen, for the Committee's report.

7  
8 COUNCILMEMBER FLOREEN:

9 Well, thank you all for being here. I have to ask a question before we get going. So do we  
10 have a new General Manager, Mr. Counihan? GENE COUNIHAN:  
11 We're working on it.

12  
13 COUNCILMEMBER FLOREEN:

14 We're working on it? Ah. Ha! I'm sorry I asked. OK, If you will turn to Agenda Item number  
15 12 in your packet, you will see that the T&E Committee supports the WSSC CIP with a  
16 variety of modest changes, which are pretty technical. I will note that this is really not the  
17 conversation about the overall plan for reducing pipe breakage, which we've taken up in  
18 other contexts. And so this is not the time to get into that today. You'll see that there are  
19 some, as I said, some modest corrections. The controversial part that we're not taking up--  
20 I'll just draw your attention to the notes. That's probably the next big project, the Potomac  
21 Submerged Channel Intake tunnel, that will involve access to the Potomac. It was a very  
22 controversial issue in Fairfax County some years ago, and we will get to that when we get  
23 to that. But it's in the planning stages now, but not at the point of conversation. And, Keith--  
24 - there you are. Would you like to--I don't think we need to spend too much time on any  
25 detail here.

26  
27 KEITH LEVCHENKO:

28 I could run through the summary on the first page.

29  
30 COUNCILMEMBER FLOREEN:

31 Very, very rapid summary of the first page.

32  
33 KEITH LEVCHENKO:

34 Sure. OK, just to note, the Committee was supportive of WSSC's CIP with some modest  
35 changes. Noted on page 1, the Biogas Production Feasibility Study, the Committee was  
36 supportive of that project as originally transmitted. As noted in the packet, WSSC did  
37 submit a mid-cycle update that deferred some projects for fiscal reasons in order to clear  
38 some space within the FY10 operating budget. This was one of those projects. It was a  
39 relatively small amount of money, and there's an opportunity for a cost recovery through  
40 energy savings. So the Committee was supportive of keeping it on schedule. In addition,  
41 WSSC did recently receive an earmark from the federal omnibus appropriations bill. And

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1 so we will have to revise this project anyway prior to our May reconciliation of the CIP with  
2 Prince George's County. So this project will be changing a bit anyway. But I think the long  
3 and short of it is that the Committee was supportive of the project moving forward in FY10,  
4 and that's what's before us today. The next item, the second bullet, has to do with the  
5 Blue Plains projects, and this is something we see each year. The Executive--at the time  
6 that he makes recommendations on the WSSC CIP, he has the benefit of the DC WASA  
7 budget having already been approved, whereas when WSSC put its budget together  
8 several months earlier, they don't have that information. So the Executive recommended a  
9 number of changes in the Blue Plains projects based on that, and the Committee was  
10 comfortable with those changes. Also, the Committee concurred with WSSC to maintain  
11 SDC, system development charge, fees at current levels. Although, there is an allowance  
12 to increase the maximum charge ceiling consistent with state law. So that item the  
13 Committee was comfortable with, and we'll finalize that in May with other revenue-related  
14 resolutions. Also, the Committee recommended removal of construction costs for one  
15 project, the Septage Discharge Facility Planning and Implementation Project. This is really  
16 just more of a, I guess, a consistency issue. Because the project's fairly early on, we don't  
17 have firm numbers yet as to what the scope or cost would be for the future construction  
18 work. So the Committee felt the work was premature at this time. So it's supporting the  
19 work going on in FY10 in terms of planning, but we'll withhold consideration of the work  
20 beyond that until next year. All other projects the Committee concurred with in the CIP. So  
21 with that, the Committee was supportive of the request.

22  
23 COUNCILMEMBER FLOREEN:

24 Let me just note that we will take up the efforts to ramp up reconstruction of pipes and the  
25 like in the operating budget. Needless to say, we are grateful for our pennies from the  
26 stimulus money that's been awarded to WSSC. And we will look forward to greater  
27 investment in public infrastructure at sometime in our lifetime. I wanted to extend a special  
28 thanks to acting General Manager Teresa Daniell and acting Deputy General Manager  
29 Rudy Chow. I'm not sure if we'll continue to see you both in this structure in the future, but  
30 we are very grateful to you for your service and especially to our Commissioner--Gene  
31 Counihan. That's the Committee report, sir.

32  
33 COUNCIL PRESIDENT ANDREWS:

34 OK, thank you, Madam Chair. Councilmember Knapp?

35  
36 COUNCILMEMBER KNAPP:

37 Mr. President, I would also share in the Chair's congratulations and thanks to the  
38 leadership at WSSC. I know it is always tumultuous, and I appreciate the fact that you  
39 have hung in there and done what you have under the circumstances that you have done  
40 them under, so thank you very much. And thank you, Mr. Counihan, for your continued  
41 leadership in the County. Question to--a point to raise. It's just to put out there because I

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1 know everyone has--people have thought about it and heard about it before, but I just  
2 want to make sure it continues to stay on the table. There continue to be numbers of  
3 communities throughout--well, it's actually throughout the County, but in particular kind of  
4 the east and upper portion of the county--where--that were developed before there were  
5 water and sewer extensions available in those areas, and we've had numerous  
6 conversations about how to potentially retrofit those communities, although it is very, very  
7 costly, and we've had some conversations, both at the leadership meeting and other  
8 places, as to when and if we ever come up with a strategy to ultimately generate the  
9 resources to do the types of infrastructure maintenance that we should, that looking at  
10 those communities and how we can potentially provide some measure of subsidy to  
11 actually make that achievable, that they could actually connect to water and sewer. I think  
12 it's something that just to continue to keep out there. I just want to make sure we raise it  
13 so it's a part of the record. I know we're not going to fix it today. I just want to make sure  
14 it's still a part of the discussion. So thank you all for your efforts in those conversations to  
15 date and look forward to maybe someday even solving it.

16  
17 COUNCIL PRESIDENT ANDREWS:

18 OK, thank you, Councilmember Knapp. And I also want to say thank you on behalf of the  
19 Council to the representatives we have at the table for working through a very difficult  
20 situation and for a long time in your current roles. So thank you for that. And I don't see  
21 any comments about the Committee report, so its recommendations are accepted. Thank  
22 you all. GENE COUNIHAN:

23 Mr. Chairman, just--

24  
25 COUNCIL PRESIDENT ANDREWS:

26 Well, yes? GENE COUNIHAN:

27 With all the thanks, I would like to just take a moment to thank the Council, and especially  
28 for having Keith Levchenko to work with us. He's been a pleasure to work with. Always  
29 very accessible, and always very reliable to give us very good counsel and advice, and I  
30 thank you for that and thank Keith.

31  
32 COUNCIL PRESIDENT ANDREWS:

33 Well, thank you. And if you would like to make any brief comments, I will give the  
34 opportunity to do that. We thank you, and if there's anything you want to bring to our  
35 attention, since you have waited patiently to be here, you're welcome to do so.

36  
37 TERESA DANIELL:

38 The only thing I wanted to do was add my thanks to the Council for your continued  
39 support.

40  
41 COUNCIL PRESIDENT ANDREWS:





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1 OK, thank you. OK, all right--

2  
3 COUNCIL VICE PRESIDENT BERLINER:

4 If I could, Mr.--

5  
6 COUNCIL PRESIDENT ANDREWS:

7 Council Vice President Berliner.

8  
9 COUNCIL VICE PRESIDENT BERLINER:

10 I don't know what the status is of the new General Manager, but I do want to thank the  
11 acting General Manager. I think you have done a terrific job and have served very ably.  
12 So thank you for your good service.

13  
14 COUNCIL PRESIDENT ANDREWS:

15 OK. All right, that's a lot of thanks and deserved. Thank you. And we will now move on to  
16 our final item of the afternoon for which we have had people waiting patiently, and that is  
17 the worksession. And this is a worksession. We are actually going to schedule this for  
18 action next week, for final action for Wild Acres. So this is a worksession, but I am hoping  
19 that we can actually have action for next Tuesday rather than after the break. So I'm  
20 going to try to get it in if we can. This is a worksession today. Nothing's final today.

21  
22 JEFF ZYONTZ:

23 IF I--

24  
25 COUNCILMEMBER KNAPP:

26 This shouldn't take all that long, then.

27  
28 COUNCIL PRESIDENT ANDREWS:

29 It's, um--

30  
31 JEFF ZYONTZ:

32 One of the reasons it's a worksession is a tradition with master plans where the staff has  
33 to go back and revise maps and text. We don't have all the versions of maps and text  
34 available for the Council.

35  
36 COUNCILMEMBER KNAPP:

37 OK. Well, then this actually will be generally an overview, then. What I had originally  
38 anticipated is to have Mr. Zyontz walk through kind of the elements, the history of why  
39 we're here, some of the recommendations. And then I was just going to, in that context,  
40 then say what the Committee's recommendations had been. And that probably will take us  
41 up to whatever we need to get done today. And if anybody has any motions to move from

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1 where the Committee's recommendation was, then I guess we would do that next week.  
2 So the goal would be then to get the overview, see if we have questions of the HPC staff,  
3 and then we'll go from there.

4  
5 JEFF ZYONTZ:

6 I would hope that the Council takes straw votes on the Committee's vote so we know how-  
7 -

8  
9 COUNCIL PRESIDENT ANDREWS:

10 So you need direction. OK, we will give direction.

11  
12 JEFF ZYONTZ:

13 All right, just some very brief overview of a very long history. Wild Acres of course was the  
14 home of Gilbert Grosvenor. Just to orient you, the site is next to I-270, which is along  
15 here. I can actually take advantage of some of the things in this room. It borders I-270 on  
16 this side and then I-495 below it.

17  
18 COUNCILMEMBER KNAPP:

19 Did you just practice that stuff before you came in, Jeff? It's very impressive.

20  
21 JEFF ZYONTZ:

22 I practice it all day. If the purple line in the-- being a difference. If you don't like that, I  
23 change the colors. But--OK. Well, green is good for Grosvenor, which--of course, this is  
24 the road that goes over to the station, crosses 270 on a bridge few people recognize. And  
25 this is Fleming Avenue, which used to be a trolley line. So this is the site. It's now about 35  
26 acres. It excludes, as we'll see in a second, um--as we'll see in a second maybe--there we  
27 go--Fleming Park, which was purchased in 1973. So again, orienting you to the map--I  
28 tried to get all the maps oriented the right way-- Grosvenor Lane is on the top, I- 270 on  
29 the side, I-495 on the bottom, Fleming Lane. We're dealing with a mansion, a garage, and  
30 the issue about a caretaker's cottage. But just for 2 seconds, the story of Gilbert  
31 Grosvenor has to start with Alexander Graham Bell. Alexander Graham Bell had a  
32 daughter. Gilbert Grosvenor married Alexander--Alexander Graham Bell's daughter. So  
33 what happened, Alexander Graham Bell was president of the National Geographic  
34 Society. He appointed his son-in-law to a post in the magazine. He was later elevated to  
35 editor of the magazine. He was later elevated to president of the National Geographic  
36 Society. But it started out as that relationship. And, of course, Alexander Graham Bell was  
37 a visitor to the site. And then it was Supreme Court Justice--Chief Justice Taft was also a  
38 visitor to the site. He was, I think, a cousin to Gilbert Grosvenor. When he first bought the  
39 site, it was 104 acres. And on the top, you have the original plat of the 104 acres that  
40 bordered Fleming Lane on the left hand side and Rockville Pike on the other side. So it  
41 went all the way from Grosvenor to Rockville Pike. You see that a substantial area of that

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1 was purchased for both 495 and I-270. We're now left with the 35 acres in this area over  
2 here. When he first bought the house, the Grosvenors lived in a house that existed on the  
3 site and first built the caretaker's cottage. It was designed by Arthur Heaton, as was the  
4 rest of the site. The caretaker's cottage, we'll see in a second, was in the craftsman style.  
5 The ownership of this area has been the same since the 1970s--actually, in 1973, I think,  
6 the Planning Board purchased Fleming Park from the owners. Also in 1973, the present  
7 owners got a special exception to build charitable offices on the site. They used the house  
8 here for the--for offices and built for the Renewable Natural Resources Foundation 2 new  
9 buildings in the 1980s. The, um--Wild Acres was first on the locational atlas that the  
10 County first produced in 1979. It was removed from that atlas in 1983 by action of the  
11 Council not putting it on to the master plan of historic sites, and thereafter the Planning  
12 Board removed the designation. And at that point after 1983, the buildings were--the new  
13 buildings on the site were built. And in 1992, the master plan for the North Bethesda area  
14 supported the special exception and the existing zoning and did not recommend the sites  
15 for historic designation. In the year 2000 when there was some work being done on I-270,  
16 I believe--was it I-270 or 495? One of the state roads--495?--the state evaluated the entire  
17 site and said that it was eligible. The entire 35 acres was eligible for the National Register  
18 of Historic Sites. And in doing that, it selected a period of significance from 1928 till I think  
19 in mid sixties, while Gilbert Grosvenor was alive and on the estate. We did get an e-mail  
20 saying that they were in error. If they had thought about for two seconds when the  
21 caretaker's house was--I have no idea what that is--when the caretaker's house was built,  
22 they would have extended the period of significance. That came up in a number of pieces  
23 of testimony. So that was the last historical act of declaring it eligible. In 2004, there was  
24 another amendment to the special exception. So the special exception has retained its  
25 viability since 1973, and 2004 was the last action on that. Just to look at the site again,  
26 this is how it existed in 1951. You can see the cleared area around the mansion was  
27 where there were lots of pictures from the time that Grosvenor was on the site. These are  
28 the two new buildings from the Renewable Natural Resources Foundation, and you can  
29 see over here. This is the mansion from the south side and the garage over here. And  
30 then we have the caretaker's cottage off to the side here. Just to show you some pictures  
31 from the front of these. This is a Tudor revival style mansion that's substantially the same  
32 from its original construction. There are some skylights here that were new and skylights  
33 on the roof that are new, but in principle it all looks the same. The garage--and it was built  
34 as a garage--was built in the same style. So it's a very stylized garage. The caretaker's  
35 house--cottage is the craftsman style. Very different. Built at a different time. It, of course,  
36 was to be less ornate, given that it was for the caretaker and used for the caretaker for a  
37 bit of time. I understand that there is an occupant in the building now, although there was  
38 some damage to a non-historic section on the other side of the cottage. This is the  
39 pictures of the back of the main mansion. It is not very visible from off site. If you go to the  
40 park or other publicly accessible spaces, what you will see is mostly briars. And if you  
41 have a zoom photo as I did, you can see it, but that's about it. I assume in the summer

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1 that it's not visible from off site. Here is another picture of the caretaker's cottage. It is a  
2 rather modest building, particularly as compared to the main house, the mansion. Now,  
3 what happened at HPC when they received the nomination is they wanted an  
4 environmental setting of about 16 acres, and that's what this outer red line represents.  
5 And they thought that views of the mansion from the front yard and from the rear yard  
6 were important to the site. They also thought that the caretaker's cottage did meet the  
7 criteria for historic preservation. The owner did not dispute the historic designation of the  
8 mansion itself and the garage and recommended a 1.4-acre setting that included the  
9 area--the turnaround in front of the mansion. They vigorously dispute the historic nature of  
10 the cottage, citing its differences in architectural style, citing its differences in timing, and  
11 also saying that architecturally itself, it didn't meet the criteria and it didn't meet other  
12 criteria. The Planning Board, deliberating on this for some time, came up to a different  
13 designation from the Historic Preservation Commission and the owner. And they  
14 recommended a 5-acre site that gave large deference to the front part of the mansion and  
15 also would designate the cottage and an area of 10 feet around the cottage. So you have  
16 essentially 2 environmental settings recommended by the Planning Board. Of course, staff  
17 also recommended this to the Committee, which they rejected. Now, what the--and I'm  
18 sorry I shift to black and white. It's the nature of the graphics that I did this on. Um, but it's  
19 a much thicker line, you see, so it's much more significant. The PHED Committee  
20 recommendation was to designate the mansion and the garage as historic resources, not  
21 designate the caretaker's cottage, and agreed with the master plan, with the Planning  
22 Board's recommended site area, which was about 5 acres. They did this somewhat based  
23 on the fact that--if I can shift gears with this machine in 2 seconds-- we'll see they did this  
24 based on where the special exception lies underneath these designations. Now, let me  
25 reorient you again a little bit. Up here is--oh, I'll take a pen in my hand. This machine's a  
26 little slow for-- I'll go purple. OK, the blue line represents where the master plan is, where  
27 the master plan-- where the Planning Board recommended designation. Here are the  
28 buildings for part of the special exception that have not been built yet. So you can see that  
29 the--and also for the special exception was an entrance road that sort of went like this. I'm  
30 messing up a little bit, but I'm not used to drawing. So you can see that the area  
31 recommended for the environmental setting also included some of the area for the  
32 approved special exception. The Committee would recommend that--that the special  
33 exception be respected. That if, in fact, a building permit or land disturbance permit were  
34 put in for that area, they would recommend that HPC not have the authority to review it as  
35 a historic area work permit. You also see that there are some unbuilt sections on the other  
36 side, and we'll get back to that in a second, as soon as I close this down. Moves with a  
37 herd of turtles. Um, OK. This was, again, the Committee recommendation. Mr. Elrich  
38 believed that the front should--deserve greater respect and would designate the  
39 caretaker's cottage as a historic resources and an appropriate setting around it.  
40 Effectively, it's the area of the Planning Board's recommendation, which is around here,  
41 and then continuing out towards the edge of the property. Mr. Elrich also agreed that the

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1 existing approved special exception should be respected. So, again, if there were permits  
2 in pursuit of the approved special exception within this area, he would allow that to occur  
3 without HPC review. And now the only other thing that I wanted to show you was--not that  
4 one. I'm sorry. I can't find it. The other regulatory item going on on the site was the fact  
5 that there's a legacy open space designation along the I-270 side and to the south on 495.  
6 And this line right now goes to the legacy line. So that--thereafter, Mr. Elrich believes that  
7 Park and Planning is perfectly capable of keeping that vacant and doesn't really want to  
8 see permits in there anyhow, so the line only exceeds to that much. Mr. Elrich's site area  
9 is about 9 acres, as opposed to the 5 acres recommended by the Committee. That  
10 concludes what I have to say.

11  
12 COUNCILMEMBER KNAPP:  
13 That concludes the Committee recommendation.

14  
15 COUNCIL PRESIDENT ANDREWS:  
16 Ok.

17  
18 COUNCILMEMBER KNAPP:  
19 There's not that much more to add.

20  
21 COUNCIL PRESIDENT ANDREWS:  
22 Thank you, Mr. Chair. OK. All right, Councilmember Elrich.

23  
24 COUNCILMEMBER ELRICH:  
25 I was just going to add that I thought there was a strong case that HPC made for the  
26 whole parcel, but I also thought that the special exception long enough in the process  
27 deserved to be honored. It did not make sense, given what was going to be allowed on  
28 the left side--I think you got to hit the cancel button first, Roger--given what was going to  
29 be allowed, as we were looking at the screen, to the left of the parcel--I can no longer see  
30 the screen, so this is an imaginary screen. But if there were a screen and we were looking  
31 at it, and it was laid out as it was previously, I thought that the area to the left where the--

32  
33 COUNCIL PRESIDENT ANDREWS?????:  
34 How about in the packet?

35  
36 COUNCILMEMBER ELRICH:  
37 Ah. Yeah.

38  
39 COUNCILMEMBER KNAPP:

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1 Pages 2 and 3 in the packet. The Committee recommendation is on page 2. Mr. Elrich's  
2 recommendation being on page 3, which represents the last picture we saw on the  
3 screen.

4  
5 COUNCILMEMBER ELRICH:

6 So my recommendation, what I wanted to do, was to basically exclude the area that was  
7 approved for special exception, include what I thought was the valuable piece in front, and  
8 add simply the caveat that the HPC does not prohibit development of the front parcel. And  
9 our designation of this does not prevent that. All it does is require a higher level of  
10 sensitivity to the environment that what I think everybody agrees is a very special place for  
11 any construction to occur within the designated area. So it's not meant to be a prohibition  
12 and it's outside the area of the existing special exception. So there's ample opportunity for  
13 additional development down there totally unencumbered, and there are opportunities for  
14 development with some encumbrance.

15  
16 COUNCIL PRESIDENT ANDREWS:

17 OK, thank you, Councilmember Elrich. Council Vice President Berliner?

18  
19 COUNCIL VICE PRESIDENT BERLINER:

20 My understanding from staff is that you would like a straw vote with respect to this. I am  
21 going to move Councilmember Elrich's compromise. So that's my motion.

22  
23 COUNCIL PRESIDENT ANDREWS:

24 OK, that's moved by Council Vice President Berliner. Council Elrich's recommendation,  
25 seconded by Councilmember Elrich. Is there any discussion about the--about the  
26 amendment? I don't see any discussion about it. All right.

27  
28 JEFF ZYONTZ:

29 If you're going to vote, if I could have one clarification. We--in the criteria, we did not cite  
30 the caretaker's house in that last criteria, and somehow I lost my copy of this. And in--on  
31 page 2, number 2-A at the top, if you were to include the caretaker's cottage as historic,  
32 we would include it within that 2-A section for its craftsman style architecture.

33  
34 COUNCIL PRESIDENT ANDREWS:

35 Yeah. All right, so the difference, as on page 2 and 3, is basically the area surrounding the  
36 mansion and garage of 5 acres versus the additional 4 acres or so that includes the  
37 caretaker lodge and the forested sloped area, I take it.

38  
39 JEFF ZYONTZ:

40 And the legal difference is jurisdictional. The legal difference is that any permit within that  
41 expanded area would have to go through the Historic Area Commission and get a Historic



COUNCIL PRESIDENT ANDREWS:

JEFF ZYONTZ:

Thank you.